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Street Music in the Metropolis.

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STREET MUSIC IN THE METROPOLIS.

STREET MUSIC

IN THE

METROPOLIS.

CORRESPONDENCE AND OBSERVATIONS ON THE EXISTING LAW, AND PROPOSED AMENDMENTS.

BY

MICHAEL T. BASS, M.P.

LONDON:
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PREFACE.

LAST year I was induced, by the entreaties of a large number of persons, to bring under the notice of the House of Commons the question of Street Music. A debate took place; but, on technical grounds, my Motion was not put. Public attention was, however, drawn to the subject. I received letters from persons of all classes expressing their gratitude to me for taking up this question, and urging me to persevere. I therefore, early this Session, gave notice that I should move for leave to introduce a Bill for the better Regulation of Street Music in the Metropolitan Police District. This public intimation gave rise to a more varied and voluminous correspondence than I could have believed possible. Nothing but a careful perusal of their letters could convey any idea of the anxiety felt by so many persons for some effectual

check to the daily increasing grievance of organ-grinders and street music. The petitions for presentation sent to myself and other Members of Parliament have been numerously signed by all the learned professions.* I have received letters and memorials from the most distinguished literary and scientific men. One very remarkable memorial has been addressed to me, signed by the leading Composers and Professors of Music in the Metropolis, and supported by upwards of 200 signatures; it is headed "THE STREET-ORGAN NUISANCE," and proceeds to state that, "We, the undersigned members of the Musical Profession, heartily approve of your Bill before the House of Commons for the prevention of the above nuisance, by which our professional duties are seriously interrupted, and, should the measure be carried, it will confer an inestimable boon upon us." This spontaneous support from the most competent judges will, I trust, relieve me from the libel of being an enemy to music, at proper times and in suitable places.

The defective state of the existing Police Law in regard to street music in London requires to be better known; for great misapprehension prevails

* *Vide* Appendix.

upon this point, and that too in quarters where one would not expect it.

As I am well aware of the engrossing nature of the pursuits which occupy the attention of Members of both Houses of Parliament, I have thought it advisable to publish here, in a form that may be readily perused, a *précis* of the "Street Music Grievance," containing extracts from the Letters and Statements of a few of my correspondents: their intrinsic interest will, I trust, be a sufficient apology for their publication. I have also included extracts from newspapers and reviews, and reports of some of the Police Magistrates' decisions; all which evidence will enable any Member of the Legislature and the public generally to form a correct opinion of the real state of the existing law, and will demonstrate what great obstacles are opposed by street music to the progress of art, science, and literature; and what torments are inflicted on the studious, the sensitive, and the afflicted. At the same time, I have embraced the opportunity of explaining what the Bill I have introduced into the House of Commons really is intended to effect, as hitherto a great deal of misconception has existed with regard to its scope and provisions.

And, finally, I venture to think that no candid person of good feeling can read this little volume without coming to the conclusion that the licence at present extended to street music in the Metropolis has grown into an intolerable grievance, which requires to be checked, and which can only be effectually checked by an amendment of the existing Law.

MICHAEL T. BASS.

June 21, 1864.

STREET MUSIC IN THE METROPOLIS.

CHAPTER I.

THE Act of Parliament which constitutes the existing Law touching Street Music in London, is the 2 and 3 Vict. c. 47, s. 57: intituled "*An Act for the further improving the Police in and near the Metropolis;*" by which it is enacted, "*That* it shall be lawful for any *householder* within the Metropolitan Police District* personally, or by his servant, or by any police constable, to require any street musician to depart from the neighbourhood of the house of such householder on account of the *illness* of any inmate of such house; *or for other reasonable cause;*

* That is to say, within any parish, township, precinct, or place not exceeding fifteen miles, in any direction, in a straight line from Charing Cross. This extends over a circle ninety miles in circumference.

and that every person who shall sound or play upon any musical instrument *in any thoroughfare near* any house, after being so required to depart, shall be liable *to a penalty of not more than forty shillings*, and in default of payment to be imprisoned for any period *not exceeding one month*." And by Section 63 of this Act it is enacted, "That it shall be lawful for any constable belonging to the Metropolitan Police District, and for all persons whom he shall call to his assistance, to take into custody, without a warrant, any person who, within view of any such constable, shall offend in any manner against this Act, and whose name and residence shall be unknown to such constable, and *cannot be ascertained* by such constable."

It will be at once seen, therefore, that little or no redress can be obtained by persons annoyed by street musicians in London. In the first place, they must be playing or sounding in a *thoroughfare*, and *near* the house. They may play with impunity in any alley, mews, cul-de-sac, fore-court, or garden, not being a public thoroughfare, however *near* any house and however distressing it may be to the inmates of such house on account of illness or other reasonable cause.

Secondly. They may play in any thoroughfare, near any house, however annoying to any inmates of such house, unless *illness* or some *other*

reasonable cause can be alleged; and what amounts to a *reasonable* cause to justify removal of such street musicians, is variously interpreted by the Police Magistrates; and the Chief Commissioner of Police, Sir R. Mayne, has positively issued his instructions to the Superintendents of Police, to give instructions to the police constables not to remove street musicians for any reasonable cause, but to report to his sergeant at the station.*

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* STREET MUSIC (METROPOLIS).

RETURN to an Address of the Honourable The House of Commons, dated 9th May, 1864; *for*,

A "COPY of all the INSTRUCTIONS given or communicated to the POLICE CONSTABLES of the METROPOLITAN DISTRICT, for the purpose of defining their duties with regard to the Removal of STREET MUSICIANS, under the Act 2 & 3 Vic. c. 47."

POLICE ORDER.—17*th December*, 1859.

STREET MUSICIANS.

THE superintendents are to give instructions to the constables, that the law does not authorise them to remove street musicians, unless at the request of an inhabitant on account of illness of an inmate of the house, or for other reasonable cause. If it be stated that an inmate is ill, and there is no reason to doubt such statement, the constable is to require the musicians in the street to depart from the neighbourhood of the house. Whenever any cause other than that of illness is stated by the inhabitant, the constable is not to remove the musicians, but report the first opportunity to his sergeant, or at the station, the cause stated to him for the removal; the constable is not to take any further steps without instructions from his superior officers.

The superintendent or inspector on duty at the station is to give

This appears to me to be an instruction opposed to the very spirit and intention of the Act; and my friend Mr. Cavendish Bentinck, whose name is on the back of my Bill, moved for a copy of these instructions (20th May, 1864), for the information of the House.

I shall have occasion to revert to this, but I wish to complete my analysis of the existing Law.

Thirdly. It is obvious that a *householder* only can put the law in motion, no other person—no lodger; no person dwelling in chambers, or occupying furnished, or even unfurnished apartments (furnished by himself)—can order, by himself or his servant, any street musician away, though his wife or child may be dangerously ill.

Lastly. I must observe, that the 63rd section of

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directions according to his discretion as to the sufficiency of the cause alleged by the inhabitant for removal, and if complaint is made against the constable for removing the musicians, the householder is to be required to attend before the magistrate to give evidence of the cause for which he required the constable to act, and a report is to be made to the commissioner whenever a constable requires the musicians to depart for any other cause than illness of an inmate of a house.

Should the musicians continue to play in the street after being required by the constable to depart, the constable is to ascertain their names and addresses, and if he cannot obtain this information, he is to take the musicians into custody, according to the Law 2 and 3 Vic. cap. 47, sec. 63.

(Signed) Richard Mayne.

this Act* requires the offence to be committed "*within view*" of the constable in order to take such offenders into custody without warrant. It is next to impossible to take the offenders into custody, as it is not likely they will offend within view of the constable.

Such is the existing Law in regard to street music; and I shall now present the reader with such an array of testimony—with such a mass of evidence of its inoperative character, and of the grievous consequences resulting from its inefficiency to repress or check the nuisance—that I am inclined to think few persons who may do me the honour to read this little book, but will agree with me that something must be done to remedy the evil.

* Sec. 63. And be it enacted that it shall be lawful for any constable belonging to the Metropolitan Police District, and for all persons whom he shall call to his assistance, to take into custody without a warrant, any person who *within the view* of any such constable shall offend in any way against this Act, and whose name and residence shall be unknown to such constable, and cannot be ascertained by such constable.

CHAPTER II.

SUFFERERS FROM STREET MUSIC.

I WILL now give, in confirmation of my views, as to the wholly inoperative character of the existing Law, some *Letters* and *Memorials*, forming but a small part of the correspondence addressed to me by persons who have evidently been severe sufferers from street music.

PUNCH OFFICE, 85, FLEET STREET,
23*rd May*, 1864.

SIR,

I VENTURE upon what might possibly be considered an impertinence, were not the subject of my note of public interest.

I am so greatly interested in the success of your measure for the regulation of street music, that I am desirous of strengthening your hands by putting you in possession of some facts within my knowledge. I formerly lived in Gordon Street, Gordon Square, but was compelled to quit London, to escape the distressing consequences of street music, although Gordon Street was comparatively a quiet locality. A dear friend of mine, and one to whom the public has been indebted for more than twenty years, for weekly supplies of innocent amusement, and whose name will find a place in the future history of Art, has not been so fortunate. He lived in Brunswick Square, and remained there until the nervous system was so seriously affected by the continual disturbance to which he was subjected whilst at work, that he was compelled to abandon a most desirable home, and seek a retreat at Kensington. After expending

considerable sums to make his present residence convenient for his art work—placing double windows to the front of his house, &c.; he is again driven from his home by the continual visitation of street bands and organ-grinders. The effect upon his health produced—on my honour, by the causes I have named—is so serious, that he is forbidden to take horse-exercise, or indulge in fast walking, as a palpitation of the heart has been produced—a form of *angina pectoris*, I believe—and his friends are most anxiously concerned for his safety. He is ordered to Homburg, and I know that the expatriation will entail a loss of nearly £50 a week upon him just at present. I am sure I need not withhold from you the name of this poor gentleman —it is Mr. John Leech.

If those gentlemen who laugh at complaints, such as this letter contains, were to know what are the *natural* penalties of *constant* brain-work, they would not encourage or defend such unnecessary inflictions as street music entails upon some of the benefactors of their age. Such men are the last to interfere with the enjoyments of their poorer fellow-labourers; but they claim to be allowed to pursue their callings in peace, and to have the comfort of their homes secured to them. All they ask, is to have the same immunity from the annoyances of street music as the rest of the community have from dustmen's bells, post-horns, and other unnecessary disturbances.

The objection to street noises is not a matter of *taste*. It involves the progress of honest labour, and the avoidance of great mental affliction.

Apologizing for the liberty I have taken,

Believe me,

Yours faithfully,

MARK LEMON.

M. T. Bass, Esq., M.P.

11, PHILPOT LANE, LONDON. E.C.
4th May, 1864.

SIR,

ALTHOUGH I have not the honour of your acquaintance, I cannot refrain from writing to thank you for the advocacy of the suffering better classes you have taken up in the House of Commons, in endeavouring to procure a mitigation of the daily torture—than

which almost any amount of physical pain is more endurable—we have to suffer from those abominable curses of our streets, the barrel-organs. Sir, do not let the indifference of your opponents—many of them living in such comfort that they can, when they desire, retire to rooms where the street music cannot be heard, or at most only one barrel organ at a time—damp your ardour in your great work. If you succeed in giving us power to send away those curses of my existence, I, for one, of many thousands, will consider you one of our greatest benefactors. You will, I trust, excuse my calling your attention to the points which call for reform. Lord Fermoy and Sir George Grey know and can know nothing of our sufferings under the present law. By it, a householder may require an organ-grinder to go away. Practically, no organ-grinder will go away unless the housekeeper goes out personally. I have seen *servants assaulted* by those Savoyard fiends, and I know that most *female servants are not to be induced* to go out to send the *blackguards* away, because they are in fear of them. Therefore, the remedy—in the householder having to relinquish his pursuits, lose his time, and ruffle his temper, by a row in the streets with the grinder, who is always surrounded by a set of street vagabonds—is almost as disagreeable as the cure.

But a most important point is, when you *succeed* in getting them to go away—where do they go to? Round the corner, or a few doors further away, where *their* noise is just as distinctly heard, and send their companions to torment the householder; so he has the same scene over again and again, aggravated by the noise of two contemporaneous organs. And in a square—I live in a square—an organ grinding on the other side of the square is as distinctly heard as though it were under my windows. On that point nothing will suffice, but a law by which a householder can get the protection of the police, and once for all be rid of the barrel-organs. I have corresponded with the police on the subject, and they declare their inability to protect me in any way. Sunday is the only day when existence is endurable. It is nonsense to say that people in illness or at death's door are those most to be considered. Were I very ill, with nothing to think about but my suffering, and how to mitigate it, street music would often not be disagreeable.

To those like myself, in such health as over-worked citizens can be, with the nerves in constant tension, a "reasonable cause" is tomfoolery. I go home from the City, the brain overwrought, feverish, and fatigued, and I require rest and change of occupation—reading,

writing, music—and these are impossible with the horrible street music from all sides—the very atmosphere impregnated with that thrice-cursed droning noise—that abomination of London which makes me ill, which positively shortens my life from the nervous fever which it engenders.

Tell Lord Fermoy and your opponents, *who never need hear street music when they are not inclined*, that their opposition to you is positive inhumanity. Those who want to hear barrel-organs, should think it no hardship to have to call the grinder into their houses, and give him a few pence to play for them; but in a well-regulated country, it is a disgrace and an anomaly that one inhabitant of a square, by giving money and encouraging these pests, should have it in his or her power to make 300 or 400 people more or less uncomfortable, miserable, or frantic, according to their nervous disposition.

Sir, I sincerely thank you for endeavouring to procure a reform of the law for us in this matter; and apologizing for the length of my letter,

I have the honour to be,
Your obedient servant,
VICTOR BAUNE.

M. T. Bass, Esq., M.P.,
19, *Lower Belgrave Street, S.W.*

32, MANCHESTER STREET, MANCHESTER SQUARE,
June 15, 1864.

SIR,

YOU will, I trust, excuse the liberty I take in writing to thank you for the great boon you are conferring on my profession in particular, and society in general. I am perfectly certain that all the ladies who keep schools will be most grateful to you for your efforts to remove or limit the present nuisance of street music.

You are, I presume, aware that the majority of the unfortunate men who torture London society with the dismal strains of their organs, and other instruments, are not *bonâ fide* beggars, but the hired servants of some speculating individual in the City, who provides the instruments.

I have frequently heard you spoken of by a very talented pupil of mine, and the fact of your acquaintance with her family has emboldened me to send you these few remarks.

I beg again to thank you for your exertions regarding the nuisance of street music, very much indeed; and I feel sure that the measure will be most highly appreciated by the greater part of the inhabitants of London.

I beg to remain, Sir,
Your obedient servant,

J. Balsir Chatterton,
Harpist to Her Majesty the Queen.

M. T. Bass, Esq., M.P.

6, Cleveland Terrace, Hyde Park, W.
4th May, 1864.

Sir,

I trust you will excuse me addressing you a few lines on the subject of street music, on which I see you have obtained leave to introduce a Bill. There is no doubt the law, as at present worded, does not afford sufficient protection to the householder. It should be borne in mind, as the basis of all legislation on the subject, that he is entitled to the quiet enjoyment of his house, whereas the street musician is only by sufferance playing in the Queen's highway.

It seems to me that if the *cause* for which the musician is required to move away were wholly omitted from the Act, it would be an immense relief. Every householder should be able to order music away from his neighbourhood, without assigning any reason, and so should every member of his family. Ladies should be able to protect themselves from the annoyance and interruption caused them in their household duties, or their own musical practices, by the public music in the streets. Then, the householder should have the power of giving into charge to the first policeman he can find, the musician who refuses to move away when required, even if the offence be not committed within his view. It is these words which over-ride all offences against the Act, which give the musician so great an advantage over the householder. The power of summoning a man who pretends not to understand English, and may give a false address, is next to useless. I write as a sufferer. *I am a clergyman, in delicate health, having had a severe nervous illness.*

Opposite to my house lodges a person who pays organs. I have asked her not to do so. She persists in doing it. I order off the organ-man; he refuses to go. I seek a policeman—the lodger

stands on her balcony, and long before a policeman can reach the spot, she gives the musician notice, who disappears.

I am thus perfectly helpless, and caused much pain and serious interruption by the present imperfect state of the law. Wishing you every success,

I have the honour to be, Sir,
Your obedient servant,
J. E. Hall.

M. T. Bass, Esq., M.P.

6, Cleveland Terrace, Hyde Park, W.
10*th May*, 1864.

Sir,

I am very much obliged to you for your note of the 7th instant, and for the copy of your Bill, which reached me last night.

In the Police Act, there is a clause at the end, declaring, that to justify a constable in taking into charge, certain specified offences (street music among them) must be committed "in his view." I am not conversant enough with legal terms to say whether the words of your proposed Bill, "It shall be lawful, &c. without warrant, &c.," would set aside the clause in the present Act above alluded to, so far as street music is concerned, and enable a householder to follow an offender, and give him into charge of the first constable he met, even though the constable had not seen the offence committed. Without this power, the householder is at a great disadvantage, as was signally shown in Mr. Stanford's case, where the organ-man sat upon his organ, and being so found by the constable, the magistrate decided he was not justified in taking him into custody. I cannot help thinking that inquiry at the several police stations (in the West End statements), would elicit evidence in favour of some change. In my own case, when I applied to the inspector on duty on Paddington Green, he told me that so numerous were the complaints against organs, and applications for protection against them, that he kept the page in the Commissioners' Instructions, relating to street music, always turned down, ready to show to complainants—and, I am sorry to say, to show how little power he had to help them. I do not know whether you have ever read those instructions of the Commissioners—but, if anything would, these would, I

think, prove that some change is necessary. They appear to me actually to make the present weak protection of the householder still weaker. The constables are instructed, if a householder requires him to remove music on account of illness, and *he believes the reason to be true* (thus making the constable the judge of the householder), he is to remove it at once; but if the householder assigns any other cause, he is *not* to remove it, but to report the same on the first opportunity to the sergeant, who is to report to his superior! In the meantime, where is the offending musician, and the aggrieved householder? I am sure that if the inhabitants were polled, the vast majority, rich and poor, would vote against *organs*, whatever they might say about other kinds of music. Tradesmen, in streets, where the noise of the music is not overpowered by that of the traffic, are dreadfully annoyed and hindered in their business. I know many ladies who suffer from the same cause; and the poor constantly complain. What class of their constituents can the metropolitan Members please by opposing a Bill securing an undoubted right to the householder? It would, I think, be a great help, if, towards the 8th of June, some letter could appear on the subject in *The Times*, so as to elicit some expression of opinion on the subject—and still more so, if the editor could be induced to insert a leader upon the subject, as he has upon other occasions. Every time a Bill is brought in, and fails, the hands of the musician are strengthened.

You are at perfect liberty to make what use you think fit of my letters. I cannot exaggerate the annoyance and injury I suffer, nor can a better example be adduced of the utter powerlessness of the present law to protect one against a pertinacious offender. I trust you will excuse my addressing you again at such length.

Yours faithfully,

J. E. Hall.

M. T. Bass, Esq., M P.

Douglas House, Highbury New Park,
May 11, 1864.

Sir,

I take this liberty of addressing a few lines to you in reference to the Bill for the regulation of street music, which I perceive from the papers you have obtained leave to bring into Parliament.

Having been for thirty years a London clergyman, during which I have officiated among large and poor populations in the parishes of St. Martin's-in-the-Fields, St. Andrew's, Holborn, where I held the incumbency of Saffron Hill for ten years, and latterly in the City, I have had abundant opportunities of ascertaining the feelings of the lower orders upon the music, especially the grind-organs which infest the courts and other places, especially when children can be congregated. I am certain that they are regarded as the greatest annoyance and interruption to work, and that in cases of sickness, confinements, &c., of which there are always some in every court and narrow street in London, that they are a source of the greatest discomfort, and, I might almost say, actual torture. I dare not venture to say how often I have been interrupted in the most solemn affairs of religion by these itinerant musicians, and have been unable to proceed till I had purchased their silence. But such cases are of constant occurrence, and I never yet knew a poor person, with whom I have spoken upon the subject, who did not bitterly complain of the grind-organ. I particularly advert to the feelings and sayings of the poor, because it is often, though most erroneously, supposed that restrictions upon street music would be a diminution of their few pleasures. I wish also to advert to the fact that when I was incumbent of Saffron Hill I had two courts filled with the Italians, and that they were generally persons of very bad character and most immoral habits. Those courts have been destroyed by recent improvements, but I am certain that wherever Italians congregate there is a fearful amount of vice, and that in their quarrels they use the *knife* without the least scruple. I have often been called in to see such cases.

I sincerely trust you may succeed in procuring a measure which may rescue the *public* from this most horrible nuisance. I venture to suggest that there should be a clause compelling those who wish for grind-organs *to take the musician into their own houses.* This was suggested some time ago in *The Times.*

Apologizing for the liberty I have taken in addressing you, and for the length of this note,

I am, Sir,
Yours very respectfully,
J. M. Rodwell,
Rector of St. Ethelburgas,
London.

M. T. Bass, Esq., M.P.

Douglas House, Highbury New Park,
May 30, 1864.

Sir,

I take the liberty of forwarding for the favour of your perusal an extract from *The Times* newspaper of this date.

The only important inaccuracy is contained at the close, where I am made to speak of street music as an annoyance to the *clergy*. I spoke of it as an annoyance to the *poor*, especially the sick and dying.

The clerk of the police court suggested that it would be very important if in this new Bill some definition of the word *thoroughfare* could be introduced, which should include *areas abutting thereupon*—or that any request to a street musician to desist should be applicable to the case of one playing in any such area.

The nuisance in almost all London thoroughfares is precisely the same, whether the organ is played on the pavement or in an open area, and any enactment in which this contingency is not provided for, will infallibly be inoperative.

You will observe that the magistrate quite indorses the suggestion I made to you in my last, that there should be a clause compelling those who wish for grind-organs to take them into their own houses.

I am, Sir,
Your obedient servant,
J. M. Rodwell.

M. T. Bass, Esq., M.P.

24, Brook Street, Grosvenor Square,
20*th May*, 1864.

Sir,

I have seen with great interest (and I ought to add with gratitude) the efforts you are making to diminish the nuisance of uncontrolled street music; and, though not a constituent of yours, I hope your forgiveness if, as a physician and an habitual resident in London, I venture to point out that the proposed Act of Parliament must greatly fail in its purpose, unless it enforce some restrictions as to (1) the hours, and (2) the instruments of street music.

It is perhaps one of the most cruel and injurious items of the existing nuisance, *that sick persons and young children are constantly* awakened, and kept awake, by street music at late hours, ranging up to 1 a.m., or beyond. Unless they can arouse somebody else; unless

somebody else dresses, goes down stairs, and out into the streets, until, in his wanderings, he finds a policeman, and the policeman returns with him, the nuisance (as I understand the proposed Act) cannot be stopped. Again, the Act only applies to *stationary* noises. But the mob which, for some summers past, has often paraded this neighbourhood between 10 and 11.30 p.m., with an uproar of drums and fifes really tremendous, collecting as it goes all the scum of the surrounding streets and alleys, will not (as it is always *moving* slowly on) be subject to police interference at all.

It is not to you, Sir, that I need address any question as to whether what is called "the liberty of Englishmen" might not be widened so as to include the liberty of getting rest and sleep at the times nature assigns to them, and of keeping, if possible, health and life: but I would most respectfully suggest that the lawless noise which disgraces London, and which (so far as my own experience goes) is without parallel in any city of Europe, can hardly be got rid of, save by (1) prohibiting *all* street music after certain hours; and (2) all such music as collections of drums and fifes, except as parts of a procession, military (volunteering) or otherwise, which may sufficiently claim or excuse their use.

I have the honour to be, Sir,
Your very obedient servant,
WILLIAM BRINTON, M.D.

M. T. Bass, Esq., M.P.

10, KING'S ARMS YARD, MOORGATE STREET, E.C.,
6th June, 1864.

SIR,

WITH reference to your Bill for Regulating Street Music, the second reading of which is fixed for Wednesday, I believe the following cases may be of service to you, to show the inadequacy of the present law in cases of emergency.

In the year 1857, I resided in the Marquess Road, Canonbury. My wife was seized one morning with a dangerous illness, and two medical gentlemen informed me that her chance of recovery depended upon perfect quiet. So critical was her state, that I remained at home for a day, for the purpose of seeing the doctors' orders carried out.

In the afternoon, an Italian commenced playing one of the loudest of barrel-organs opposite my house. I went out and informed him that a lady was very dangerously ill in the house, to which I pointed, and that he must stop playing. He held out his hand for money.

I said "No. If I begin to pay, I must continue it. You must stop." He then made an insulting gesture, commonly called "taking a sight," and went on playing. As every note had a serious effect upon my wife, I placed my hand upon the strap of the organ, cautiously abstaining from touching the man, and said, "Now, I insist on your stopping until a police constable can be fetched." The man immediately detached from his organ the pole upon which the organ is rested, placed the organ upon the ground, and using the pole with both hands, showered blows with wonderful rapidity, any one of which was sufficient to have killed me, if it had struck me on the head. With a light cane I warded off some blows, and I candidly confess, knocked out more than one of the ruffian's teeth; but the pole was too heavy for me. One blow fractured my right arm, and I was unable to write for three weeks, besides having to pay a heavy surgeon's bill.

A police constable was found by the time the mischief was done. Need I say that the passers-by all took the part of the ruffian?

In another case of alarming illness in 1859, I wrote to the superintendent of the Islington police, and requested that he would prevent street music being played in my road. He kindly complied with my request; but I was obliged to undergo periodical visits from an inspector, and to account to him for the state of my wife's health, until she was sufficiently recovered to save me from the infliction. I am prepared to prove these cases upon oath.

I am, Sir,

Your obedient servant,

JAMES S. KINGDON.

M. T. Bass, Esq., M.P.

I must particularly draw attention to the above note, because it is often said that these Italian organ-grinders are harmless, inoffensive men.

LITTLE CAMPDEN HOUSE,
7th June, 1864.

DEAR SIR,

WHILE I admire the brevity and condensation of the Bill, I cannot but fear that it leaves us defenceless against the brutality of our neighbours. There is nothing in it to prevent music in a man's garden, or fore-court, or balcony. The clause only says, "that a

penalty shall be incurred by them who play," &c., in any thoroughfare near any such house. Ought it not also to say, "or in any place within hearing thereof," or words to that effect? *Once, when I was lying dangerously ill, a neighbour of mine took a German band up into his balcony after they had been ordered off by the constable on duty, and kept them playing for about two hours.*

I believe, in such cases, one might summon one's neighbour, but the decisions of magistrates, we know, are somewhat capricious. Would it not also be very desirable to forbid music entirely before 9 a.m. and after 9 p.m.? I see some of those who lift up their voices of wailing from time to time in the newspapers, congratulated themselves upon being relieved from the nuisance of the street-criers. In what happy quarter can they live? I am invited every morning, before seven, to buy watercresses, and all through the day I am offered vegetables of all kinds, fish, strawberries, door-mats, muffins, flowers, band-boxes, chairs to mend, ornaments for the fire-stove. What are the abolished cries? I enlisted the sympathies of Lord Dufferin on our side on Sunday, and he promised to whip for us. I tried hard with Mr. Sheridan, but I could make nothing of him, because he "liked them."

Yours truly,

ALFRED WIGAN.

M. T. Bass, Esq., M.P.

EXTRACT FROM A LETTER OF THE HONOURABLE MRS. ——.

SIR,

I HOPE you will excuse my writing to you without an introduction. I only take that liberty because I am certain I represent the feelings of hundreds on the subject you have undertaken to bring before the House this day.

I live in a house from which, in *three different directions*, the disturbance which goes by the name of "street music," can be distinctly heard. It begins at nine in the morning, and continues till late at night, without intermission. I have frequently heard, *at one and the same time*, WITH EQUAL LOUDNESS, the several well-known airs of "Annie Laurie," "The Last Rose of Summer," and the prison song from the *Trovatore*.

The hour of family prayer has been changed four times, in the vain attempt to get a quarter of an hour *un*interrupted by noise; and is daily shifted, and daily broken in upon by this wretched nuisance.

A dear member of my family, who had been dangerously ill under surgeon's care for nine weeks, and was in a process of slow and very nervous recovery, was so afflicted with sleeplessness that *brain fever* was apprehended. After repeated remedies for several nights, he at length dropped asleep, just at those morning hours when this infliction begins. His wife, his mother, and the female nurse, although they had been up several nights, feared to leave the room for rest or refreshment, lest the movement should break his slumber; at this very time *crash comes* THE BAND! I sent a servant to adjure them to pass on; they would not. His wife went down with the same entreaty; they would not. I went down myself; but of course by this time the dispute and noise of instruments had roused and alarmed the invalid, *who became quite delirious the same evening.* So much for the present right to order the musicians to "move on."

* * * *

I have difficult law business, literary work, and am besides a musical composer. Why is the actual earning of my income to be prevented by the forcible interruption of what, in fact, is one form of *begging*—and indeed of that peculiar form of begging *already* forbidden by law—the accosting persons and *insisting* on alms: on penalty of continuing those assaults on our ears and our brains, which are now of hourly occurrence?

I trust you will excuse this letter, and exert your influence in the House to obtain *silence* for the sick, and those who are, perhaps, watching their dead above stairs, while this curse of discordance is going on under their windows; *peace* for the studious and industrious, and that power of occupation, in the daily cares of life, which is actually rendered IMPOSSIBLE while the "street-music nuisance" remains unabated.

I am, Sir,

Yours obediently,

1, DORSET STREET, MANCHESTER SQUARE, W.,
13*th July*, 1863.

DEAR SIR,

I AM glad to find that you propose assisting in putting a stop to the organ nuisance. I should wish to read my letter to Lord Westmeath before I answer your inquiry. I have searched in vain

for the draft of it. If, therefore, you will have the kindness to send it by post, I will return it immediately.

I have chosen the least out of the two evils of the music nuisance. The result is that I am compelled to lose about one-fourth part of my intellectual life in order to use the remaining three-quarters. If this statement is not correct, it arises from being *under* stated.

About three times a day my man-servant goes out, and he sends away organs, brass bands, &c. When the servant is absent, I go out myself.

The present law is perfectly nugatory. The same men come again and again, disturb my pursuits, and, when warned, go away to return the next day.

Others continue in spite of remonstrance. I then desire a policeman to get their names and addresses.

These are most frequently false ones. Some fellows, blacking their faces, go about, and are generally very insolent, as well as noisy. It is difficult to identify them; they have given false names and addresses, and I have had a policeman watching for ten days, and unable to find them out.

Nothing, in my opinion, short of making all *unnecessary* noises in the streets an offence will put a stop to the evil,

I received from the late Sir George Lewis the most considerate attention to an application I made upon this subject.

From the present Home Secretary I did not receive even the courtesy of an answer when I made a similar application.

On turning over my papers I find two receipts of money paid for law expenses in endeavouring to protect my time from interruption by organs. One is dated—

	£	s.	d.
July 12, 1861; it amounts to	54	0	9
The other—			
Dec., 1860	49	11	8
	£103	12	5

This money would otherwise have been spent in the employment of highly skilled English workmen.

I enclose some placards which were exposed in the shop-windows of low tradesmen for weeks, from Edgware Road to Tottenham

1861.	Brass Bands.	Organs.	Others.
Jan. 18	–	1	–
19	–	1	–
21	1	2	–
28	–	1	–
31	–	1	–
Feb. 2	–	1	–
7	–	2	–
9	–	3	2
13	–	1	–
14	–	2	–
16	–	2	–
19	–	1	–
20	–	–	1
23	–	1	–
25	1	1	1
28	–	–	1
March 5	–	1	–
9	–	1	–
13	–	–	1
15	–	1	–
16	–	4	1
25	–	–	1
26	–	–	2
28	–	–	1
29	–	–	1
30	–	1	–
April 1	–	–	1
3	–	1	1
4	–	–	1
5	–	–	2
6	–	–	1
13	–	1	1
16	–	2	–
17	–	–	1
25	1	–	–
26	–	3	1
27	–	–	1
May 1	–	5	1
38 days.	3	40	23
52 days.	6	56	37
90	9	96	60
			96
			9
In 90 days			165

8, Charles Street, Trevor Square, S.W.,
July 14, 1864.

Sir,

I have seen it announced, with great pleasure, that you are about to bring under the notice of Parliament that most annoying nuisance, the *street music;* and I, as well as many thousands who detest this abominable nuisance, wish you heartily success in your endeavours to put an end to it. The neighbourhood in which I live is perhaps as much as any in the metropolis *infested* with *organ-grinders, brass bands*, &c., to our great annoyance. The people here, and elsewhere, I suppose, are, or seem to be, apathetic as to these noises, because they feel that there is no remedy for it, or they have no time to take up one of these disturbers, as that would perhaps involve them in a disagreement with a neighbour, and the *publicity* would be objected to by many. We are not all like Mr. Babbage. Supposing London and its environs could be polled as to the like or dislike of this so-called "*street music,*" I have no doubt that not more than *one* house in a street would advocate its continuance. I, with numerous others, do hope, Sir, that your efforts will do away with these common disturbers. It is really very hard, that because one person in a street may throw out a penny or twopence to these men, that the whole neighbourhood—some of whom may be reading, or ill, or craving quiet—should be annoyed.

And with many apologies for the liberty I have taken in addressing a total stranger,

I am, Sir,
Your most obedient servant,
Edw. W. Dundas.

M. T. Bass, Esq., M.P.

The organ-grinders are, perhaps, the worst, as they grind their instruments of torture wherever they see a light at the window, even after 10 or 11 o'clock at night.

28, Dover Street, Piccadilly, W.
May 20, 1864.

Dear Sir,

I am sure that you will not think me obtrusive in supplementing your brief in the plea which you have undertaken against the tyrant "grinders" of our London thoroughfares.

In the lengthy letter to *The Times*, which I now enclose,* you will find evidence, from its very length, of the way in which this monster grievance works on the thoughts and spirits of those who suffer by it.

There is, I assure you, no perversion of facts, or aggravation of disgust, in the threnody which was wrung from me as I watched for hours at the bed of a sick wife.

Persevere, I beseech you, dear Sir, in your most useful and humane purpose of comforting the sick and weary in their London homes. Expose the selfish indifference of protecting members, who "play popular" on this domestic question, and mock at the stupid magistrates who define "music" as a "grind."

It never occurred to me that *The Times* could, or would, find room for the tenth part of my M.S., but I wished to put them up to it as far as I could, some little time ago.

I am, dear Sir,
With full respect,
Your faithful servant,
J. A. Wilson, M.D.

M. T. Bass, Esq., M.P.

42, Gloucester Square, Hyde Park,
4th June, 1864.

Dear Sir,

I wish simply to wish you success in your crusade against street music. Some persons seem to consider that to put down street music is a step against the liberty of the subject; but, in reality, it is a step against tyranny. What right has anybody to force music upon me, the less so since all lovers of music can have plenty of it, in places set apart for the purpose, at the lowest charge conceivable? If musicians go about promenading the streets, it is impossible that the inhabitants should have any choice in the matter, as to whether they should be allowed to hear or not. It might be well to start from the idea that Londoners could always hear music for a mere trifle, without music being played in the streets. To my mind, these musicians are a species of beggars. The musicians beg, inasmuch as they are not sent for to play. But the public has no right even to send for the musicians to play in the street, since, by so doing, serious annoyance

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* This letter was very much to the purpose, but too long for insertion.

and hurt may be caused, whilst, from the absence of street music, there is simply a deprivation of selfish enjoyment. I do not see my *sore* paraded in the papers, which is this:—With children to whom it is essential that they should have sleep twice a day, being very young, street music is a great nuisance. The children cannot be heard in Parliament, but perhaps the parents might be heard. What we want for children is sleep when they are well, and still worse when they are ailing. With street music this is impossible. In poor neighbourhoods, no doubt, many a child has been killed by street music—the adults anxious for the organ, and the parents of the child ignorant, or, if we are to credit some persons, so fond of street music that they would willingly sacrifice the life of a child to an hour's organ music. When a child is taken to the sea-side for health, it is quite vain to trust that health will be found by increase of sleep. On the contrary, every hour of the day bands go by, and the poor child is awoke, and the parents made miserable. If I were in the "House," I should ask what right there was in a law that oppressed me and others, and which law, if altered, would injure no one? You may depend upon it, you are quite right in seeking to do away with street music; and you were also right in not making a speech in introducing the Bill. I do not suppose many Members care about it, and the public, I suppose, do not petition upon the subject. But, nevertheless, street music is a nuisance, and until done away with by the law, will always remain a nuisance. Laws are not made to oblige people to hear music; but they should be made to allow people not to hear music which is injurious; and there is no medium for this, and nothing can be of use except total prohibition of street music.

I am, dear Sir,
Yours truly,
CHARLES DOXAT.

M. T. Bass, Esq., M.P.

You are at liberty to make any use you like of this note.

4, ADELPHI TERRACE,
May 19, 1864.

SIR,

HAVING had a fourteen years' war with the organ-grinders, and knowing the difficulties of the case, allow me to suggest, that in

the preamble of your Bill, "inhabitant" should take the place of "householder;" by which alteration the operation of the law will be simplified, and many disputes prevented.

Should you not be aware of Colonel Sibthorpe having made a motion on the subject, allow me to direct your attention to that debate. I was in the heat of the battle at that time, and supplied all the information I could obtain. He mentioned my name in the House as the writer of a letter to him which enabled him to upset a fallacy of Sir G. Grey. The latter now seems favourable to some change in the law.

Having thought and written a great deal on the subject, you will perhaps excuse my pointing out to you what I believe to be the difficulties of getting anything done by Parliament.

The greatest of those difficulties is, that it is a question unfit for parliamentary legislation. If we have not a Minister of the Interior, the matter should rest with the Home Office, the magistrates, and the police. But as you must break a fly on the wheel, the great point is to bring the question in a complete, exhaustive, and serious manner. I would tell the House that I felt that it was really unfit to occupy their time; but as there was no help for it, they must bear with you while you put the question fully before them. For the want of this way of proceeding, it has been laughed and jeered away, and nothing done; but it is a very serious subject to deal with.

It is not a charity, but a kind of slave trade. The boys imported never get through a second winter. A *certain* vice is brought from Italy, and no doubt practised in and about Mutton Hill and Clerkenwell. Look to the London Directory; there are two pages of physicians; the medical practitioners must be ten times as numerous. If so many live by patients, how many persons must there be ill daily? and how many must there be dead and dying! and what a nuisance must street music be! The same work will show how many professional men live in London, most of them lodgers, who depend on quiet and their brains. If it is the poor man's music, confine it to streets where the houses are below a certain rental. Except at fair time, it is allowed in no other capital in Europe. There it is in the hands of the police.

Pray excuse the haste with which I have thrown these points together; but there is really no end to the number of persons to whom street music is worse than a nuisance. However, be assured that your success depends upon the manner of bringing the second reading of your Bill before the House. Prove the grievance; double

the remedy you ask for; and then, perhaps, we may get half the remedy we ought to have.

I am, Sir,

Yours faithfully,

JAMES PARRY.

P.S.—Knowing how Members are troubled, allow me to say I expect no answer to this as a mere matter of politeness.—J. P.

28, UPPER HARLEY STREET, W.,
30*th May*, 1864.

MY DEAR MR. BASS,

WE send you a portrait of yourself, which will amuse you, I think, as it has done *us*. Mr. Chatterton begs me to say, that if your Bill passes, all the musical profession will come and *worship* you! and that he can answer for it you will be able to command the services of all the professors, if you give parties, &c. He hopes you will persevere with it, as the street music is such an interruption to the lessons; and if they are paid to go away, they send a *friend*, and tell him he will be *paid to go;* and so it goes on! I am fond of it myself, but no doubt it is a nuisance in some cases. I hope you are better. With kind love,

I am, my dear Mr. Bass,

Yours sincerely,

E. N——.

M. T. Bass, Esq., M.P.

18, CLARENCE ROAD, KENTISH TOWN, N.W.

SIR,

PLEASE accept my best thanks for your kindly performing the duty that should have been carried out by our own Members. You, Sir, have done great service to a great number of invalids and persons engaged in business, by arming them with some means to remove the organ nuisance. If required, I shall be most happy to offer myself as a witness, and, I think, I could convince even our own M.P., Lord Fermoy, that he should support your motion instead of opposing it. If necessary, I could obtain a list of volunteers as witnesses (cost free). Wishing you every success,

I remain, Sir,

Yours obediently,

M. T. Bass, Esq., M.P. JOHN BURGE.

9, Spring Gardens, W.S.,
May 4, 1864.

Sir,

The quiet, loving, and invalid public, is much indebted to you for the introduction of the Bill relative to street music. Will you kindly let me have a copy of it forthwith? inasmuch as I am fearful, from the somewhat flippant character of its reception, that, even if it pass, but little benefit will be derived from it; and having suffered, to say the least of it, quite as much as any man in London from the horrible infliction, my desire is to supply you with a few illustrations of the misery, which in some cases it inflicts, and possibly, to make a few suggestions, which, being the result of painful experience, you will not, I am sure, despise, even should you consider them as valueless.

I have the honour to be, Sir,
Your faithful servant,
R. Welby.

M. T. Bass, Esq., M.P.

The Mall, Kensington,
June 6, 1864.

Sir,

I am a professor of music; my work is very often seriously interrupted by the street-organ nuisance. Indeed, I am frequently compelled to relinquish altogether my professional avocations, and lay them aside until the noise is over.

I beg to forward you a memorial, signed by the leading musical professors in London, and also by the pianoforte-*tuners*—a class whose work is entirely stopped when street music is going on.

I remain, Sir,
Your obedient servant,
Wm. H. Callcott.

M. T. Bass, Esq., M.P.

6, Cleveland Terrace, Hyde Park, W.
June 10, 1864.

Dear, Sir,

I see by the debate last night on your Bill that the old claptrap argument of the rich interfering with the amusements of the poor was applied to it. I am anxious to inform you, if not already aware

of it, that the Members of this borough, having sent a copy of your Bill to the three vestries with a request to have their opinion upon it, that of St. Pancras, and also that of Paddington, have passed a resolution in favour of it. I do not know what was done in Marylebone. I have been instrumental in putting up a petition in favour of some greater protection than the law now affords against the annoyance of street music. It has been very numerously signed, and was presented to the House on Tuesday last by Mr. Harvey Lewis.

It was signed by all classes—quite as freely by the smaller householders and tradesmen as by the richer. A clergyman who has the care of one of the districts of Paddington, and is well acquainted with the feelings and tastes of his numerous poor, gave it to me as his confident opinion that if they were polled the majority would be against street music. The argument that servants like it is not worth notice, for surely the law is not to be accommodated to them, to the sacrifice of those who feed, house, and pay servants. I hope the Bill will not be destroyed in Committee, and that it will escape the perils of the Lords, and pass into law this session. Your statement, that Sir Richard Mayne declared it impossible to carry out the present law ought to silence all objectors to some change.

Yours faithfully,
Js. Hall.

M. T. Bass, Esq., M.P.

64, Ebury Street, S.W.

Sir,

I beg most heartily to thank you for your proposed Bill. I am cruelly interrupted by grind-organs, in the midst of studies which demand the concentration of my whole attention. Being devotedly attached to music, the distraction caused by mechanical and colourless tunes, is increased in proportion to my case. A few children and idle servants encourage these pests of the street, and for their folly men of thought suffer.

I am, Sir,
Faithfully yours,
Mackenzie E. C. Walcott.

M. T. Bass, Esq., M.P.

4, Adelphi Terrace,
May 30, 1864.

Sir,

I am happy that you think I have been of some service in the affair of street music. Some ideas having occurred to me after receiving your polite answer to my letter, I wrote, as you suggested, to Mr. Cavendish Bentinck; and still more ideas having come upon me since that time, I am inclined to trouble you again.

I think the *onus* should lie upon your opponents, to show in what way street music is necessary—not vague and generally, but exactly, in so many words. For whom it is wanted; when it can be supplied; by whom; how and when, so as to meet their object. They seem to me to be labouring under the delusion that persons will take the trouble of sending away street musicians from mere wantonness or idle amusement, or uncharitableness. First of all, they do not know the time and trouble required to get rid of a refractory musician; even in my time, when we worked the law more effectually than it can be done now; for the police regulations, as recently published, give, in fact, perfect impunity to street musicians, except in a palpable case of illness.

It may be admitted that wandering street-players might have been needed formerly; but the whole thing is entirely changed now. Music is to be heard everywhere, by all classes, in their hours of recreation, at proper places and at all prices, from the Italian Opera House to the threepenny gallery at the East-end theatres. There is excellent music, both vocal and instrumental, at such places as the Canterbury Hall, the Oxford, &c. Then take all the choirs in full practice. Look at the monster amateur concerts at the Crystal Palace. It was but the other day advertised that a three-part song for female voices would be done by one thousand voices to each part. Until lately, a very nice little orchestra could be heard by taking a penny ice in Hungerford Market. Think of the thousands of charity children who learn to sing. Look at their annual gathering in St. Paul's, and on one occasion in the Crystal Palace, heard by the Queen. Before closing this note, I will send you a list of all the vocal societies now in operation. In short, music is going on everywhere, and at times when people want it and seek it. It is therefore entirely out of place and time when people are busy and do not seek it, and it comes when they neither expect nor require it. I say again, it is for your opponents to state *exactly* when and for whom it is required. Music in the street during the day is only good for the

encouragement of laziness in idle servants; distracting others who live by their brains, and wasting the time of men working outside and inside of houses, as bricklayers, &c., &c. I know it for a fact, as the experience of twenty years in a lodging-house, that a female servant good for anything was always ready and willing to send away an organ-grinder, in spite of the abuse he would heap upon her.

Organs should be done away with at once. They stand entirely alone from among street instruments. Any vagabond who can carry one can play it—that is, grind it by turning the handle, and therefore can continue the annoyance longer than any other street musician, without having been at the pains and trouble of acquiring a certain degree of musical skill. The sound of an organ is so loud and penetrating, that it is impossible to find a room in an ordinary house where you can escape from it. Organs are especially injurious to the advancement and practice of young learners of the pianoforte, for they not only interrupt their lessons and studies, but actually play off, without the slightest trouble, a tune which has taken perhaps weeks to get through with difficulty, which is very disheartening to the young player. Look at the number of music-teachers who are annoyed in giving their lessons by street musicians. Why should a man, who has spent years in acquiring skill in his profession, who pays high rent and heavy taxes, be robbed of his time, while a vagabond, who pays neither one nor the other, grinds two or three streets out of as many pence? Again: I would urge that it is for the friends of street musicians to show the necessity for street music; for whom required; the where, the when, and the how, without doing more harm than good. The streets are so entirely delivered up to vagabonds of all kinds, that the German bands not only stun with their noise, but they have the audacity to ring the bell and knock at the door, giving servants the trouble of going to them. This is because, at the fair-time in Frankfort and other parts of Germany, they levy black-mail upon the inhabitants.

I once saw the late Mr. Hardwicke, the magistrate at Marlborough Street, on the subject, and he told me that the police were bound to take the charge given by a person annoyed; but now the police take upon themselves to decide. When I took the bagpiping-boys to Bow Street, the magistrate there decided that if I "did not like their music, I had a right to send them away, however many other persons might wish to hear it."

If the House will not delegate the power to the Home Office, the

magistrates, and the police, I almost think a committee ought to be moved for. Police returns might be also moved for; but they would be by no means complete, because I know that street musicians, especially organ-grinders, are taken to the station, and there kept a time, to frighten them, but the charge is not regularly entered. The effect produced is, that they find more money is lost by going to a certain street than staying away from it. It requires no end of trouble, and all sorts of tricks, to be a match for the scoundrels.

Yours faithfully,
JAMES PARRY.

M. T. Bass, Esq., M.P.

HAMPSTEAD,
May 20, 1864.

SIR,

I AM informed that you have introduced a Bill into Parliament for the suppression of street music, and on this account I take the liberty of writing this note, to assure you that to us poor Londoners it will be a great boon should an Act pass for its suppression.

I am an artist, and I have been at a great expense in building a studio—mine being the first house built on this estate; but I shall be obliged to leave, in quest of a more quiet neighbourhood, if the nuisance, which is intolerable, is allowed to continue. Sometimes for nearly the whole of the day I have to suffer this great infliction. I have spoken to the police, but they tell me they can do nothing. I am paying a large amount annually in local rates, and I do think it very hard that I cannot be allowed to pursue my calling in quiet.

I am, Sir, yours very gratefully,
P. F. POOLE, R.A.

M. T. Bass, Esq., M.P.

64, ST. PETER'S ROAD, MILE END,
June 7, 1864.

SIR,

ALLOW me to express my earnest hope that you may succeed in your effort to suppress the intolerable nuisance of organ-grinding. I assure you that I have lost many hours of precious time thereby. With the manifold duties of a London pastorate one has little enough time for the preparing of sermons for the Sunday; and it is a most

iniquitous thing to be robbed of that little, as we now are, by these organ-men. To say nothing of the ill-feeling which it creates between neighbours, who otherwise are friendly enough, there are, I think, weighty reasons why the nuisance should be abated.

I enclose my card, and am

Your obedient servant,

J. Thomas.

M. T. Bass, Esq., M.P.

5, Hyde Park Gate, South,
May 21, 1864.

Sir,

May I beg permission, as one engaged in literary pursuits, to offer my testimony to the value of the measure which you have undertaken to support?

The abolition of street music is most earnestly desired by a large body of the inhabitants of London. Its retention is desired probably by a still larger section, but one really of comparatively little importance. For it must be remembered that among those who wish that this great nuisance should be done away with, we count—besides the invalid, whose desires are of paramount importance—the scientific man, the author, the artist, and others who labour hard for the public benefit; while that other class, the members of which find pleasure in the performances of the organ-grinder and the ballad singer, is composed mainly of household servants, and others, whose wishes cannot surely be of any importance when weighed against those of such persons as I have mentioned above.

Again, it must be remembered that they who desire the retention of street music suffer—if it may be called suffering—only in a negative sense by its withdrawal, while the annoyance inflicted on those who would be rid of the evil is positive and tangible. The student, be his studies what they may, who wanders up and down his room, entirely incapable of continuing his labours in consequence of the presence of an organ-grinder beneath his window, is not much consoled by observing that that "baby" at the house opposite is in a high state of glee, which is shared by the nurse, who dances the child up and down to the music.

I believe that there are few persons who can really enter into the importance of this present question. Most men who have business to do, do it in offices never approached either by organs or bands; they

are carefully sheltered from all street nuisances. The author, the artist, the calculator, each of them works at his own house, and enjoys no protection whatever. It was only the other day that a musical composer of rising fame described to me, in piteous terms, what *he* had to undergo, when two brass bands began playing different tunes within his hearing at the actual moment when he was engaged in composition. Of course, in such a cass, there is nothing for it but to give up; but a man positively loses in a pecuniary point of view when thus compelled to abandon what he is about for half an hour at a time, and when at the expiration of that period he would fain resume his theme, he finds that he has lost all inspiration, and that the thread of his ideas, whether musical or otherwise, is broken.

I might say much more on this subject, but I have already trespassed at too great length on your time. With many apologies for so doing,

I beg to remain, Sir,
Your obedient servant,
CHARLES ALSTON COLLINS.

M. T. Bass, Esq., M.P.

LONDON MECHANICS' INSTITUTION,
29, SOUTHAMPTON BUILDINGS, CHANCERY LANE, W.C.,
7th May, 1864, 4 o'CLOCK.

SIR,

ALLOW me to call your attention to the Bill you have brought before the House of Commons "*For the better Regulation of Street Music.*" Of its wording I have just been made aware.

I beg to ask whether it is too late to alter it? You still retain "*householder*," and now propose to add "by *his servant*," to cause the police to abate and remove objectionable music or noises. Are there no other people than *householders* to have their feelings and comforts respected? Are all public bodies, committees, schools, teachers, and lodgers to be denied relief?

Here, in this old institution (the first of its kind in England), we have some twenty classes for education, &c., in the evenings (see list enclosed), when we have public meetings besides, for benevolent and public objects, concerts, lectures, sacred music, &c.; and yet, when we desire "nigger melodies," and much worse music matters, to be removed, the passing police tell us we are *not householders within the*

meaning of the Act. In vain we speak of heavy rates and taxes, and resident persons. They say an institution is not a *householder.*

If lodgers, committees, those who have chambers and offices, are to be denied relief, yet the law will protect the next-door people, and this seems to savour of class legislation, to keep up the only term *householder*, unless this is explained by some wide reading different to what the police have adopted hitherto. May I be favoured with your attention on the subject? And I remain,

Very respectfully yours, very truly,

T. J. Pearsall,
Sec., L.M.I.

M. T. Bass, Esq., M.P.

N.B.—If I can aid this matter in any way, I shall be glad because it is a subject that ought now to be attended to; and I shall be sorry to find any difference between officials and members as to an instrument intended for public good. Again allow me to ask you to excuse these hasty expressions referring to public grievance.

M. T. Bass, Esq., M.P. T. J. P.

2, Palace Gardens Terrace, Kensington.
July 10, 1864.

Sir,

It was with unmixed satisfaction that I learnt the announcement of your intended aggression in the House of Commons on organ-grinding, &c., &c. If you can succeed in bringing about any mitigation of the present annoyances to which residents at the West End are subjected, I am sure that a unanimous vote of thanks will be acceded to you with acclamation. Much of my time is devoted to scientific pursuits (chiefly astronomical), and it is needless to point out that freedom from external disturbances is most essential to profitable study. That freedom it is vain to hope for, so long as organ-grinding is not put down as a practical nuisance. It begins soon after 8 a.m., and on one occasion I had, after going up to bed, to come down stairs again and drive off a fellow at 20 minutes to 11 p.m. On an average, three or four times a-day, at Kensington, I have to get up from my occupation to order them off; and my experience of the matter is, that to prevent organ-grinding going to the length of a nuisance, the present law is wholly inoperative. It provides that if, on being ordered off, the men do not go, you can

give them in charge of the police, but the misfortune is, they almost always do go when told. The amelioration of the law required is, that they should be got rid of, without householders being required to take the trouble of opening gates and front doors to order them off every time they came. The very maximum of toleration I would agree to would be that a *general* order once given should keep them away for ever, from *any particular locality;* that a provision should be made whereby, if one householder in any particular street gave notice to the policeman to whose beat he belonged, the policeman should be empowered to drive off every organ-man, without that householder being compelled to act day by day. Something of this kind, I think, is the very least remedy required; but if it could be carried, unquestionably a general prohibition of *every organ* within the limits of the Metropolis, would be a far more satisfactory enactment.

I should make a distinction between organs and regular brass bands, because the latter generally give us *music*, and let them remain in their present footing of having to go whenever they are told. Householders can then get rid of any one band, either on account of illness or its discord, without sacrificing their chance of hearing respectable music.

The abolition of street acrobats, &c., would be a good thing, I think also, but as they do not make a *noise*, I am the less interested in securing their departure from London.

I am, Sir,
Most respectfully yours,
G. T. Chambers.

M. T. Bass, Esq., M.P.

4, Brunswick Terrace, Kensington, W.,
7th June, 1864.

Sir,

Will you allow me, as one of a class whose time is of importance not only to themselves but to the whole community, to contribute to your information as to the tyranny of street organs?

I am a clergyman, who, in addition to the care of a large poor district during the week, have to preach on a Sunday to a congregation of 1,200 people, mostly of the upper and middle classes. Surely it will be admitted that this is a work of the most serious importance, demanding the greatest care and *most diligent preparation*.

But, Sir, I assure you that I hardly ever sit down to study or to write without being driven nearly wild by street organs. To read on the subjects which engage me is difficult; to think on them *is utterly impossible*, while an organ ten or twenty yards off is making the horrible din which some people call street music. Many a time have I been forced it happened again only this morning—to lay down my books in despair, and wait perhaps half an hour till the organ-grinder chose to go away; by that time the current of my thoughts had been broken, and my work rendered useless for the day; but even were this not the case, probably a quarter of an hour did not elapse after I had resumed my books, before another organ or the Sicilian bagpipes again made me desist.

Sir, we hear frequent complaints from the laity of the quality of the sermons preached by the clergy, but I am sure if the laity knew the difficulties under which sermons are written in London, owing to the destruction of mind caused by these vile organs, their wonder would be not that our sermons are bad, but that we are ever able to write sermons at all.

On this point I speak feelingly. I am not one of those who put off their sermons till Saturday evening, or even Saturday morning. I begin to study with a view to writing on Tuesday morning, but I can assure you that even thus I often have difficulty in finding sufficient time, undisturbed by the harassing din of street organs. Surely, Sir, this is tyranny of the worst kind; and I trust that those M.P.'s who are inclined to complain on Sunday of the clergyman's sermon, will do what they can to improve it by securing to him time for study, uninterrupted by distracting shrieks of the street organ. The argument from interference with the liberty of the subject may well be employed in our favour; we are surely subjects of the Queen, more than the Italian organ-grinder is, and I think it is not liberty but tyranny, if he is permitted to ply his vocation so as to make us desist from ours.

I am, Sir, your obedient servant,
JAMES MCCONECHY,
Curate of St. Paul's Temporary Church,
Campden Hill, Kensington.

M. T. Bass, Esq., M.P.,
19, *Lower Belgrave Street.*

P.S.—You are, of course, at liberty to make what use you please of this letter, or any part of it.

Thursday, June 16, 1864.

Sir,

You must excuse the liberty I am taking in thus trespassing upon your valuable time. But, *I fear*, the measure for the better organization of *street* music will be thrown out in Committee, if you cannot prove the *positive* and *real nuisance* of these bands and organ-grinders to almost every one.

The *great nuisance is* the *early hours* they choose to commence playing. As you know, we are tormented in this neighbourhood as early as 8 o'clock; and the terrible noise of always one, and often three bands at once, from that early hour in the morning, continues without cessation until 11 or half-past 11 o'clock.

The system of these musicians *ought* to be also inquired into. *I* know it *well*. Often I have sent my servants to desire they will go, when playing before my door. The reply is, they are playing by *order, next door*. I have inquired "next door" on either side of my house, and my neighbours have stated that, when a few minutes previously they had desired the musicians to go, the reply was, "the lady next door had desired them to play" (meaning me). I never pay these people to go, nor do my neighbours. I can safely assert that all my relatives and all my friends, some thirty or forty in number, positively *detest* these street musicians; and many will bless you most fervently if you can pass any measure in the House by which *such a terrible nuisance* can be checked. Mr. Hankey makes a *great mistake* in supposing that it is for the *people's* amusement these street musicians play. I can safely say that *the listeners* are only one or two idle tradespeople's boys, and dirty half-dressed children from the mews.

How little knowledge Members of Parliament have upon such a subject when brought before them, was shown the other night. These musicians are *detestable*. They interrupt the early hours of *devotion* —business—in fact, annoy and worry every one in *every class of life*.

Policeman A is not to be depended upon; he tells falsehoods. When I complained last year of the early hours the bands played, he declared he had seen the bandmaster receive seven shillings, or more, from three houses opposite to Sir R. M——'s. We happened to have some family connexions in one of these houses; inquiring from them, they told us they had *never* given *any money* to these musicians—their circumstances would not admit of their paying them *every* morning even a *small sum*, and they, as also their neighbours,

could not induce the policeman to send the musicians away, because there was *no illness in* the house.

I can only repeat, many thousands of people will pour down blessings upon you if you can stop the *detestable* noise and nuisance of street musicians of every description.

Hill Road, St. John's Wood,
July 6, 1863.

Dear Sir.

My present object is to express my great satisfaction at an announcement in the papers that it is your intention to make a motion in the House of Commons, I presume regarding some restraint upon that intolerable nuisance, street music. It is not as in the country, where houses lie wide apart, and sounds are not disturbing to the same extent, that such a restraint is required; nor is it wanted so much in the great thoroughfares of London, where the ear gets accustomed to a continued repetition of all kinds of sounds, as in the countless quiet streets of the metropolis, which are the chosen haunts of these vagabonds at all hours—from 10 A.M. to 10 P.M.

I have lived for twenty years in a house, at a spot selected mainly for its remoteness from noise, that I might pursue my avocation in study as uninterruptedly as possible. In the hot weather particularly it is that this nuisance is most annoying. One succeeds another opposite your house, or your neighbour's, and there is no getting rid of them, for the organmen in particular will not go away until they get something. It is true an appeal to a policeman will remove them, but there is not one at hand; and then, if the offender is impertinent, he tells you—at least Englishmen will—as a scoundrel who had blackened his face, to appear like a negro, told me one day, "It would require an Act of Parliament to make him move off," though in a public thoroughfare.

I am not such a churl as that, if my neighbours—right or left, or in front—desire such music occasionally, for pleasing themselves or their children, it should be prevented. Such a thing is a mere contingency, and may be met by insisting in such cases that the musician shall be admitted into their front garden or area—in fact, that he shall not play in the street. This would be a cure of the evil. At present, if one of these musicians has ever received money from a particular house, on playing opposite to it in the street, he will come

again and again, and will not go away without money after playing until his own patience is exhausted. Sometimes he or they will sneer in your face at ordering them away, too well calculating that you will not follow them up.

It is impossible to study—almost to think—with your window open at this warm time of the year. In some of the squares, I am told, they are forbidden by persons appointed to keep them away. It is hard not to have the benefit of quietness in your own house. I have sometimes counted three organmen in sight at once. Then come bands, with horns, who play in hopes of a fee, and, getting none, still continue to play long enough to be a pest and nuisance to any sober pursuit in your domicile.

Hoping you will excuse the interruption the perusal of this note may cause, and the impossibility of my restraining my pleasure at the notice of your intention, I have the honour to be,

Dear Sir,

Your very obedient servant,

CYRUS REDDING.

M. T. Bass, Esq., M.P., House of Commons.

I could augment this testimony to almost any extent from the budget of letters which I have received on this subject. There must be, however, some limit to selection, or I should have my little volume swell into a veritable Blue Book. None, however, will regret, that I add to this already rather long list of complaining correspondents, a letter bearing twenty-two signatures, commencing with that of Charles Dickens, which cannot fail to have the greatest weight and authority. I only hope that I may have an opportunity of reading it to the House of Commons.

To M. T. Bass, Esq., M.P.

Sir,

Your undersigned correspondents are desirous to offer you their hearty thanks for your introduction into the House of Commons of a Bill for the Suppression of Street Music; and they beg to assure you that, in the various ways open to them, they will, out of Parliament, do their utmost to support you in your endeavour to abolish that intolerable nuisance.

Your correspondents are, all, professors and practitioners of one or other of the arts or sciences. In their devotion to their pursuits—tending to the peace and comfort of mankind—they are daily interrupted, harassed, worried, wearied, driven nearly mad, by street musicians. They are even made especial objects of persecution by brazen performers on brazen instruments, beaters of drums, grinders of organs, bangers of banjos, clashers of cymbals, worriers of fiddles, and bellowers of ballads; for, no sooner does it become known to those producers of horrible sounds that any of your correspondents have particular need of quiet in their own houses, than the said houses are beleaguered by discordant hosts seeking to be bought off.

Your correspondents represent to you that these pecuniary speculations in the misery they endure are far more destructive to their spirits than their pockets; and that some of them, not absolutely tied to London by their avocations, have actually fled into the country for refuge from this unmerited persecution—which is none the less grievous or hard to bear, because it is absurd.

*

Your grateful correspondents take the liberty to suggest to you that, although a Parliamentary debate undoubtedly requires great delicacy in the handling, their avocations require at least as much, and that it would highly conduce towards the success of your proposed enactment, if you prevail on its opponents to consent to state their objections to it, assailed on all sides by the frightful noises in despite of which your correspondents have to gain their bread.

(Signed) CHARLES DICKENS.

ALFRED TENNYSON.
JOHN EVERETT MILLAIS.
FRANCIS GRANT.
JOHN FORSTER, Palace Gate House, Kensington.
J. R. HERBERT.
JOHN LEECH, 6, The Terrace, Kennington.
W. HOLMAN HUNT, Campden Hill.
WILKIE COLLINS.
J. E. HORSLEY, High Row, Kensington.
W. P. FIRTH, 7, Pembridge Villas.
F. SEYMOUR HADEN, 62, Sloane Street.
R. DOYLE.
T. CARLYLE, 3, Cheyne, Chelsea.
ALFRED WIGAN, Little Campden House.
W. BOXALL, 14, Welbeck Street.
GEORGE JONES.
ALFRED ELMORE, 1, St. Alban's Road.
THOMAS FAED, Sussex Villa, Campden Hill.
JOHN PHILLIPS, 1, South Villas, Campden Hill.
THOMAS CRESWICK.
JAMES SANT.
E. M. BARRY.
J. H. ROBINSON.
S. COUSINS.
L. STOCKS.
W. C. DOBSON.
THOMAS WOOLNER.

Surely this mass of letters, only a small part of what I have received, unsolicited from men of all ranks, ages, and pursuits, and from all quarters of the Metropolis, without any pre-concerted arrangement or knowledge even of each other, must demonstrate the existence of a very widespread and intolerable grievance. But I must add to the testimony conveyed by these letters some of the extracts which I have from time to time made from the reports of the Police Courts, and the Letters and Leaders of the chief London papers. I will commence with some cases brought before the Police Magistrates by my friend Mr. Stanford, who is leaving his present residence, very much influenced in so doing, as he told me, from the intolerable nuisance of the Italian organ-grinders.

Note.—I have, in some cases, not given the names of my correspondents, as I felt that it might be disagreeable to them to have their names affixed.

CHAPTER III.

POLICE DECISIONS ON STREET MUSIC.

MARLBOROUGH STREET.

Antonio Pentulai, an Italian organ-player, was charged with annoying Mr. Frederick Stanford, of Foley House, No. 7, Langham Place, by playing on his organ, and refusing to go away when required.

Mr. Stanford said he had been very ill, and confined to his bed all day on Tuesday. About 9 o'clock in the evening the defendant brought his organ, and began playing and singing before his house. He dressed himself, and went out and told the defendant to go away. The defendant made signs that he did not understand what was said. He then spoke to him in French and afterwards in Italian, desiring him to go away, but the defendant refused and continued to play. The defendant and a man who was with him laughed at him. A constable came by, and he asked him to get defendant's address. The defendant shook his head, and then was given into custody.

The constable proved that the prisoner would not give his address, although he knew he was asked for it. He did not hear the defendant playing his organ.

Mr. Stanford said the moment the constable made his appearance the defendant left off. The average number of organ-players before his house daily was seven or eight.

Mr. Tyrwhitt said he had always had considerable doubts about the meaning of the clause in the Act of Parliament under which these persons were brought before him. He had always entertained doubts whether it was necessary for a housekeeper to tell an organ-player that he was ill, and he wished that a magisterial decision had been appealed against in order that magistrates might have

some guide in such cases. He should have thought, as the complainant spoke Italian, that it would have been easy for him to have told the defendant he was ill. It was not quite clear that the clause protected the constable in taking the defendant into custody, as he had admitted he did not hear the man play on the organ. The words of the Act were, "within view of the constable." He should, however, fine the defendant 5*s*., with the alternative of seven days' imprisonment, and he would give notice, that if the annoyance was followed up by the defendant's companions, and a complaint was made by Mr. Stanford, he should fine every one brought before him 40*s*.

MARLBOROUGH STREET.

Antonio Capatali, an organ-player, was charged with annoying Mr. J. F. Stanford, barrister, of Langham Place, by playing an organ in front of his house.

Mr. Stanford said that on the previous afternoon the defendant played his organ in front of his house, in Langham Place. As he was engaged in literary occupation, he was much annoyed by organ-players. He requested the prisoner to go away, and in a few minutes he went away, but came back again, and played his organ at the other side of the house. Being desirous of making an example of the prisoner, in order that he might be freed in future from the nuisance, he gave him into custody. The prisoner became very violent, and got a mob round the door, and he then procured the assistance of a second constable, and the prisoner was removed to the station.

Mr. Knox asked the complainant if he was engaged in an occupation which rendered silence necessary.

Mr. Stanford said he was.

Mr. Knox said the requirements of the Act were, "illness or any reasonable cause." The complainant had shown a "reasonable" cause.

Police-constable Collins said the prisoner was not playing the organ when given into custody. He was sitting on his organ, and when given into custody he became very violent.

Mr. Knox said the organ-players were a most abominable nuisance, there could be no doubt about that; but the question was whether the prisoner was rightly in custody or not. Had the prisoner been playing when the constable came up, he would have been justified

in taking him into custody. The right course for the complainant to pursue would be to take out a summons against the prisoner.

[But how is a summons to be taken out? How is the vagabond's name and place of abode to be found out? He will always stop when a policeman appears, and where, then, is the remedy? How is it to be found out what his name is, and where he lives? Several magistrates have convicted upon the complainant's statement, that the organ-grinder did not cease to make his detestable noise when required, and Mr. Knox might very safely have done the same; indeed, there is no other way of repressing the nuisance, and Mr. Stanford justly observed:—]

If the Act was to be strictly construed and carried out, there would be no protection for him, because, when annoyed, the moment he went for a constable the men would put down their organs and pretend they were not playing then. The organmen came at half-past nine in the morning and continued playing all day long, either in front or at the back of his house. He was annoyed almost as much as Mr. Babbage, and he found it equally difficult to wage war with these men.

Mr. Knox was most anxious to relieve the complainant, and, indeed, all who were similarly aggrieved; but he wished to do so in strict accordance with the law. He would, therefore, grant a summons, and if the man did not appear he would grant a warrant.

The man was then discharged.

[This certainly looks very much like putting salt on the bird's tail. And bad indeed must be the law which can only be carried out by so round-about, uncertain, and clumsy a mode of proceeding.

We trust the Act will be amended next Session, for as it stands it makes protection against annoyance exceptional, and gives up the thoroughfares generally to any persons who can make a profit by making a noise in them, either in the way of extortion or of pleasing those who happen to be possessed of asses' ears.

Why is reasonable cause of objection required to an unreasonable use of the streets, which are not intended for orchestras? Suppose a set of vagabonds were to turn the front of your house into a stage, would or should that be suffered? and just as little permissible it really is, in point of principle, to convert it to a place for any other sort of performance. The streets should be kept to their right uses, and are so in all well-regulated cities. In Paris street music is not allowed at all. The misleading fallacy here lies in the word music. Music, delightful as it is in season, is not desirable every hour from

sunrise to midnight; but what torments us is not music, nor anything like music. The organ is an instrument of torture to musical ears, and the worse it is the more profitable it is, either by extortion or by pleasing the vulgarest taste. In *Punch's Almanack*, there is an excellent illustration of both the pain and pleasure given by this detestable instrument. You see the alarm in the face of the sorrowing figure by the sufferer's bedside, and you see the broad stamp of vulgarity on the coarse woman and the pinched-up girl, without humanity, but with a taste for "them horgins." And here we must acknowledge the obligation to *Punch* for the war it wages with this nuisance, which is more likely to be abated by the ridicule of the pencil than by the plaints of the pen. It is by making the supporters of the organs ashamed of themselves that the nuisance will be most effectually suppressed. But the brass bands should not be spared. Apollo knew what he was about when he gave Midas the ears of an ass, and to such ears the braying of brass bands is a kindred, congenial sound. But the ass has it not all. It is not all bray. The pig has its share, in the alternations of squeak and grunt.

And against this music of a herd of swine you are required to show reasonable cause of objection, dislike or distaste not being admitted as valid. But surely we have all a right to claim quiet, as much quiet at least as consists with the necessary traffic and business of the streets, no part of which is blowing horns or grinding organs.—*Examiner.*]

It is very probable that this fellow would never have appeared to the summons, but he was served by the Magistrate's order before he left the Court, and was traced to his lodging by the constable; so the man appeared, and the *padrone* probably retained the services of Mr. Lewis to defend him.

Here then is the report of the case on the summons:—

MARLBOROUGH STREET.

Antonio Capalali, the organ-player, who was on Thursday charged with annoying Mr. John Stanford, of No. 7, Langham Place, by playing an organ in front of his house, appeared before Mr. Knox on a summons charging him with the same offence.

The prisoner was discharged on Thursday because the magistrate was of opinion that he ought not to have been given into custody, as the constable did not actually see him playing his organ, but that he ought to have been proceeded against by summons. The complainant accordingly applied for a summons, which was without loss of time served on the prisoner.

Mr. Edward Lewis, who appeared for the prisoner, when the case was called on, said: I must at once take an objection to the summons, as the case has already been adjudicated upon.

Mr. Knox: That is not so. I declined to adjudicate. I said the man was wrongfully in custody, and I would not go on with the case.

Mr. E. Lewis: The alleged offence was committed at five o'clock in the afternoon. The defendant is dragged off to the station, and brought before you the next morning, after having been locked up all night. The evidence against him is gone into; the Court decides that he ought not to have been given into custody, and discharges him. I contend, therefore, my client has a right to plead that the charge has been heard and dismissed, and that he cannot properly be summoned to answer the same charge. My client has been illegally in custody for twenty hours, and if the complainant persists in going on with the case I am instructed to bring an action against him for false imprisonment. I have further to complain that, notwithstanding the defendant was discharged by you, he was detained two hours in court while the summons was being made out, and that he was not allowed to go away until the summons could be served upon him outside of the court, after which an officer was sent with him to ascertain whether he had given a correct address. If your worship is against me on the legal point I have raised, and the complainant proceeds with the charge, I have only to say he does so at his peril.

Mr. Knox: When I found there was a flaw in the proceedings under the Police Act I said the case could not proceed, inasmuch as the man was wrongfully in custody. Even assuming that Mr. Stanford has wrongfully given the man into custody and the police have wrongfully detained him, that does not prevent Mr. Stanford from taking out this summons. Certainly, Mr. Stanford was not justified in giving the man into custody; it is a matter for him to decide whether he will proceed or not.

Mr. Stanford: All I want is quiet. I have no personal feeling against the man or against organ-players, but they will not go away when desired to do so; and where is my protection? I had a case before Mr. Tyrwhitt in February last, and that gentleman

said he was not quite sure of his interpretation of the Act, but that he considered, although a man was not playing "in view of a policeman," it was a nuisance, and he should therefore inflict a fine of 5*s*., adding that the next time on conviction the fine would be 40*s*. I acted on your worship's suggestion yesterday, and took out a summons against the prisoner; and with respect to the constable going with him to see if he had given a correct address, no other course was open, as the prisoner said he did not know his own address. I wish to state on behalf of the prisoner that I have received a letter from Sir John and Lady Mitchell expressing a hope that I would be favourable to the man, as they were somewhat to blame in the matter, having promised the man a gratuity at Christmas. I have no wish to press the case against the defendant, but I wish for quiet while pursuing my literary avocations.

Mr. Knox: With regard to the opinion of my colleague, I wish to state that I have the greatest respect for his opinion; but at the same time I must act on what I conceive to be the law of the case. I believe that the man was given into custody illegally; I therefore ordered him to be discharged. With respect to the mode adopted to serve the prisoner with the summons, I did order a constable to follow him to see that he gave the right address. I am willing to take that part of the responsibility on myself. Mr. Stanford, in giving the man into custody, may have exposed himself to an action, but I feel sure a jury would not give more than a farthing damages, though certainly there would be annoyance and expense.

Mr. Edward Lewis: I am not here to defend organ-grinding, for I know as well as anyone what a nuisance it is. All I contend for is this, that as the man has already suffered twenty hours' imprisonment the complainant ought to withdraw from further proceedings.

A Gentleman: I reside near Mr. Stanford, and can say that the organ nuisance is abominable. The men begin about nine in the morning, and do not leave off until half-past ten at night. There are sometimes from twenty to thirty organs in one day in the place.

Mr. Knox: I should not like the case to go off without I first state that the inhabitants of this district shall have all the protection I can afford them; and for the sake of all authors, barristers, and solicitors, too, Mr. Lewis, I will in all proved cases fine the defendants 40*s*. each. The law says, "in view of a constable;" and I have no doubt if application were made to Sir R. Mayne, that a plain-clothes constable would be placed near Mr. Stanford's residence, and the nuisance to him and his neighbours would very soon be abated.

Mr. Stanford then consented to withdraw the summons, and the organ-player was discharged.

I insert here this letter from Mr. Stanford :—

FOLEY HOUSE, *May*, 1864.

MY DEAR BASS,

AFTER Antonio Capatali's case, I had a little respite from these abominable organ-grinders. They have begun again, however. On Monday, before twelve o'clock, I had three organ-men, besides a brass band of five German lads, whose instruments were all out of tune. The organ-grinder, encouraged by some people who live a few houses off (milliners, I believe), would not go away, and insulted me very grossly. I, after some difficulty, procured the aid of a constable. When the constable came up to him, the man would not give his name or address, and pretended not to speak or understand English, as they nearly all do, I believe, by the order of their *padrones*, though they really speak and understand English very well. So the constable took him into custody. I attended at the station at great inconvenience, it being about a mile and a quarter from my house. The inspector ordered his organ to be kept, and a constable to go and find him out, as he would not tell his name or residence. After some little difficulty, they were ascertained. I went next day and applied for a summons, which the magistrate granted. I paid my two shillings. On the day appointed for hearing the case, I was in attendance; but the organ fellow never appeared. I lost two hours this time, this being my third attendance. The magistrate then granted a warrant. I paid another two shillings, and from that day to this the fellow has never been seen. The *padrones* no doubt, sent him on the country tramp. The fellow's name was *Carlo Congini*. The fact is, the law is wholly inoperative. I do sincerely hope you will obtain for London residents some abatement of this scandalous nuisance.

Yours truly,

JOHN F. STANFORD.

The comments of the Press on Mr. Stanford's case, which is one of common occurrence, are so just, that I cannot help inserting them here at some length.

From the "Examiner," January 1864.

THE GRINDING OPPRESSION.

THE case of Mr. Stanford and the organ-grinder at the Marlborough Street Police Court, is a complete exemplification of the law relating to what is *mis*-called street music, and also of the way in which the nuisance is supported and encouraged.

Mr. Knox, it will be remembered, was of opinion that the man was not legally in custody, as the policeman had not seen him play after the request to cease, the sapient Act requiring a constable's view of sound. But the magistrate granted a summons, and the grinder appeared the next day, accompanied by Mr. Lewis, who acted as his legal adviser. This gentleman attempted to take very high ground, talked of the wrong done to his client by an illegal confinement of twenty hours (what a blessing to the town!), and threatened Mr. Stanford with an action for false imprisonment if he should venture to proceed with his complaint. To this Mr. Knox very sensibly replied, that no jury would give more than a farthing damage in such a case; but Mr. Stanford having stated that he had no disposition to press the charge, the complaint was dismissed, Mr. Stanford taking only by all his trouble the comfort, such as it may be, of this declaration of the magistrate:—

"The inhabitants of this district should have all the protection he could afford them, and for the sake of all authors he would in all proved cases fine the defendants 40*s.* each. The law said, 'in view of a constable,' and he had no doubt that if application were made to Sir R. Mayne that a plain-clothes constable would be placed near Mr. Stanford's residence, and that the nuisance to him and his neighbours would very soon be abated."

This may be all very well as regards the special case of Mr. Stanford, but what is to be the protection of others in every part of the town who are subjected to the same annoyance? Will there be an officer in plain clothes in every thoroughfare, and is there a street in which there is not an organ-grinder, one or more, almost in every hour of the day, for the town swarms with the vagabonds? And why does Mr. Knox propose to confine such poor protection, as he suggests, to authors? Why are people who happen not to be authors to have the quiet, to which all are entitled, disturbed? Is not objection to an unnecessary and disagreeable noise reasonable? But here is the stupidity of the Act, which requires what will be

differently construed by different minds, and what cannot be understood at all by the party warned. It is as faulty as regards the disturber as the public. When the German horn-blower, or the Savoyard grinder, is told to desist or that he will be given into custody, how is he to know that the objection to his noise is reasonable? How is he to be satisfied that the person ordering him away is sick, or an author engaged in composition, or a mathematician occupied with his calculations? Make the rule absolute that he is to desist from braying or grinding when ordered, and there can be no misunderstanding: for clearly it should not be the right of anyone to disturb the streets by any noises not necessary to their traffic. This the Legislature admitted when it prohibited the ringing of the dustman's bell. But we shall be told tastes differ, and some people like the sounds that torture the ears of others; and so, too, there may be people who like the clash of marrow-bones and cleavers; but should they be indulged in that sort of music at the expense of the quiet of their neighbours? Certain it is, however, whether from vulgarity of taste or force of extortion, that organ-grinders and horn-blowers levy a daily contribution which would go far to the relief of the Lancashire distress. And sad it is to reflect that honest hands are wanting employment, and the bread it would earn, while lazy Italian vagabonds obtain an easy subsistence by twirling round and round a handle like that of a small coffee-mill. We are afraid to cite the estimated number of this vagabond fraternity, lest we should be charged with exaggeration, but that it is immense must be painfully certain to everyone, there being no thoroughfare north, south, east, and west for miles unvisited by the nuisance, and often many times a day. In support of Mr. Stanford's complaint, a witness stated:—

"I reside near Mr. Stanford, and can say that the organ nuisance is abominable. The men begin about nine in the morning, and do not leave off until half-past ten at night. There are sometimes from twenty to thirty organs in one day in the place."

And can we wonder at this, when we learn from Mr. Stanford the patronage attracting to the spot:—

"I wish to state, on behalf of the prisoner, that I have received a letter from Sir John and Lady Mitchell, expressing a hope that I would be favourable to the man, as they were somewhat to blame in the matter, having promised the man a gratuity at Christmas."

Here we have the root of the evil. The grinder was subsidized, and a dozen inhabitants were to be disquieted and annoyed for the

delectation of Sir John and Lady Mitchell. The fact gives us the measure of their ears, and doubtless they descend in a direct line from the illustrious house of Midas, famous for wealth and peculiar taste. The pleasures of the kitchen and drawing-room are indeed often precisely the same, master and footman, lady and scullion, having taste in common, and a gratification level to the coarsest capacity. They feed on garbage without a suspicion that it is not a choice delicacy. They listen to a horrible discord, piquing themselves on being fond of what they call a tune, and therefore it is that we are so tormented with hackneyed slang music on crazy instruments.

Never let us forget our obligations to two members for the part of the town most afflicted — Marylebone and Westminster. Lord Fermoy and Sir John Shelley have stood forward as the champions of the street nuisances; and at the next election they may fairly be left to the support, such as it is, they have the best right to claim, the votes, or rather notes, of the organ-grinding and brass-band interests.

From the "Press."

ORGAN-GRINDING.

It is remarkable that a severe frost has always the effect of stimulating the activity of brass bands. If you take a walk between ten and twelve o'clock on a particularly cold night you will be surprised to notice the energy of the musicians who will be performing in front of numerous public-houses. Whether this outpouring of melody takes place in the supposed interest of the performers or of the landlords is not quite clear. But it is likely that the sale of liquor in the ordinary course of trade may be promoted by an expedient which is generally considered essential to the original establishment of almost every kind of retail business. The police reports of the present week have supplied a pleasant example of the approved method of opening with proper ceremonial a shop which is to depend for custom upon the working class. A gentleman living in Kentish Town came before a magistrate, and stated that he had a daughter lying at the point of death. Five doors from his house was a baker's shop which commenced business last Saturday. The proprietor "inaugurated" the concern by having about a dozen men playing in front of his house on brazen instruments, from half-past four o'clock in the afternoon to ten o'clock in the evening, when they went inside the shop and kept

playing there until midnight. The complainant reached his home about eight o'clock in the evening. Finding that his sick daughter was grievously distressed by these brazen instruments, he sent a servant to request the performers to desist. They treated his remonstrance with contempt. He then applied to a policeman, who, instead of rendering any assistance, "fraternized and joked with the players." The principal complaint was against this policeman, and the magistrate directed inquiries to be made with a view to censuring or punishing both the authors of the nuisance and the constable who encouraged it. The law is not without means of reaching offenders of this character; but there are various difficulties in the way of putting the law in motion, and the greatest difficulty is that a large part of the community applauds and rewards those musical performances which cause to other persons annoyance, and perhaps misery. If a woman is uttering outside your door sounds which utterly destroy your power of mental concentration, and reduce you to a state of exquisite irritability, the chances are that she will meet your angry remonstrance by the statement that a gentleman two doors off gives her sixpence nearly every week, and she will add that it is very hard that you should interfere with her attempts to earn an honest livelihood. The fact is that the rude majority of the inhabitants of London do like organ-grinding and kindred noises, which the more refined minority call nuisances. Even in respectable streets and squares, the servants covertly encourage those performances which drive their masters and mistresses to desperation; and there are people who have had opportunities of acquiring a more instructed taste, who, nevertheless, seem to consider that noise is equivalent to hilarity. Not long ago, a complaint preferred against itinerant musicians by Mr. Babbage or some other sufferer was met by the statement that an Irish girl, servant at a house where a wedding was going forward, had given the musicians a gratuity sufficient to retain their most energetic services for the entire day. The girl, no doubt, considered that she was taking the most natural and proper measures to insure the adequate solemnization of a wedding in her master's family. Some people, too, encourage, for the amusement of their children, that class of grinders whose machinery sets dolls in motion at the same time that it evolves some familiar tune. A case occurred only a week ago, in which an exasperated inhabitant of Langham Place, whose "literary avocations" had been disturbed by an organ-player whom he brought before a magistrate, was obliged to admit that the defendant was not wholly without excuse, inasmuch as a

neighbour had promised the man a gratuity for doing the very thing of which complaint was made. From the difficulty which appears to occur in obtaining convictions against these disturbers of study and repose, it might almost be suspected that some of the police magistrates either have a very uninstructed taste in music or are so happily constituted as to be totally incapable of having their thoughts distracted or their slumbers broken by any amount of organ-grinding or brass bands that could be concentrated outside their windows. It is said that Lord Stowell had a passion for visiting shows, and it may be that other lawyers love the sort of music which usually accompanies those entertainments. It is doubtless advantageous to a lawyer to have a strong digestion, a head that can bear liquor, a mind that no interruption can distract, and nerves incapable of being affected by the most acute or droning sounds; and perhaps there may be among the police magistrates examples of this convenient hardihood of bodily and mental constitution. If, however, there sat upon the bench a magistrate who from his own had learned to feel another's woe, it would not be difficult to find in the Metropolitan Police Act clauses which apply to organ-grinding and brass bands, although, as regards singing women, who are perhaps capable of inflicting the most severe of all tortures upon irritable nerves, the law is not so clear as the sufferers under this last-named nuisance could desire.

It is provided by the above-mentioned Act that it shall be lawful for any householder within the Metropolitan Police district, personally, or by his servant, or by any police constable, to require any street musican to depart from the neighbourhood of the house of such householder on account of the illness of any inmate of such house, or for other reasonable cause; and every person who shall sound or play upon any musical instrument in any thoroughfare near any house after being so required to depart shall be liable to a penalty not exceeding 40*s*. The complainant in the case above referred to stated that, "as he was engaged in literary occupation, he was much annoyed" by organ-grinding; and Mr. Knox, sitting at Marlborough Street, decided that this was "a reasonable cause" for requiring the grinder to depart. This decision would seem sufficient for the protection of students of every class; but it was stated in the course of discussion that Mr. Tyrwhitt, in a case before him, "was not quite sure of his interpretation of the Act," although he inclined to consider organ-grinding under similar circumstances a nuisance. But even assuming Mr. Knox's construction of the Act to be adopted by all his brother magistrates, the householder's practical difficulty is to enforce his

requisition if the grinder politely but firmly declines to pay attention to it. Of course, the grinder cannot or will not understand the remonstrant's language; but it would not be reasonable to allow him to pretend ignorance of those energetic signals which are probably employed by all the nations of the earth to indicate a particular desire that the person to whom they are addressed should depart out of the presence of the person who employs them. The real difficulty is, that the remonstrant has neither time nor inclination to accompany the grinder through the remainder of his day's wanderings, until he turns his weary footsteps towards his humble lodging in Saffron Hill, and thus reveals an address where a summons may be served upon him. Perhaps, too, the remonstrant may have heard that the neighbourhood of Saffron Hill is rather thickly peopled with Irishmen and Italians, and he may fear that among the cudgels of the former and the knives of the latter perfervid race it may happen that his studies may suffer an interruption much more serious than ever they sustained from organ-grinding. In this difficulty one naturally thinks of applying to a policeman. But that is a resource which should be adopted with as much discretion as is possible under the vexatious circumstances. There is no better opportunity for getting a warrant than a summons, and the Act only authorizes the police to take into custody without warrant "any person who, within view of any such constable," shall offend against the Act, and whose name and residence shall be unknown and cannot be ascertained. The complainant in the recent case had requested the grinder to depart. He did depart, but returned to the other side of the house and resumed grinding. The complainant having met with a constable, and being desirous of making an example of the grinder, gave him into custody, and he was taken to the police-station. The constable stated that, when given into custody, the prisoner was not grinding, but was sitting upon his organ. Hereupon Mr. Knox considered the prisoner was not rightfully in custody, and discharged him. There is no doubt that this decision was correct. The complainant had rendered himself clearly liable to an action for false imprisonment, but it may be doubted whether a jury would give more than nominal damages in such a case. The complainant said, with truth, that if the Act were thus strictly construed there would be no protection for him, because, if, when annoyed, he went for a constable, "the men would put down their organs and pretend they were not playing them." He said that the grinders numbered twenty or thirty in the course of the day, and played all day long,

from nine o'clock in the morning till ten at night. It was suggested by Mr. Knox that the heavy and apparently exceptional affliction of Langham Place might be mitigated by employing a constable in plain clothes to take offenders in the act of grinding. As regards the metropolis generally, it is satisfactory to obtain clear magisterial decision that the disturbance of ordinary study or literary labour is "a reasonable cause" within the Act for requiring grinders to desist.

Here is a case of Mr. Babbage, in which, no doubt, the penalty inflicted was paid by the *padrones* :—

Salvani Cristoferi, an organ-grinder, appeared to answer two summonses for refusing on the 19th and 20th ult., to cease playing and depart from the neighbourhood of a house belonging to Mr. Babbage, No. 1, Dorset Street, Manchester Square, after being requested to do so.

Mr. Babbage stated that upon the first occasion he was disturbed by the noise of the defendant's organ, and he went out and requested him to cease playing, and to go away. The defendant was encouraged by those around him. The complainant went in search of a constable through several streets. He did not succeed in seeing a constable, and returned, when he found the defendant had gone, but he suspected that his servant had told him to go away before the police came. The defendant came again on the following day in front of his house. He was disturbing him very much. For nearly twelve months he had not brought any one before the Court, but he must say that during that time he had been most grievously inconvenienced. He had been disturbed no less than one hundred times while at his work. The people in the neighbourhood encouraged the organ-men. He could not, he said, walk along the streets now without being insulted by persons living in the neighbourhood. He was called after when he went about.

George Collis, in the employ of Mr. Babbage, corroborated his master's statement.

The evidence was interpreted to the defendant.

Mr. Mansfield said it did seem to him that Mr. Babbage was subjected to a very great persecution. It was to be hoped that the insults

to which he is exposed were not mentioned in any foreign newspaper, for if they were it would be degrading to the population of this country. These men were encouraged to annoy and tease him by a set of ill-conditioned people, to their disgrace. Mr. Babbage was engaged on works of great scientific importance, and of a nature which his persecutors could not understand. From the evidence of the servant it appeared that defendant did understand what was said to him, and that what he did afterwards was wilful and contumacious, and he should, therefore, show him no indulgence, but order him to pay a penalty of 20*s.* and costs upon each summons.

Before the van came, the money, 44*s.*, was paid, and the defendant was liberated.

To the Editor.

November 5.

Sir,

In your police report of the 2nd, Mr. Mansfield's remarks on the subject of street music are worth noticing. The worthy magistrate says truly, *that London* is the *only European capital* in which street music is allowed. It would be well if we could discover why it is allowed with us. From the tone of several letters which appeared in your columns, a few months ago, it would seem that there is at least a part of the population of the metropolis who positively take pleasure in listening to the ceaseless music of the grind-organs, and (for the most part) much more offensive German bands, which haunt what are euphoniously called the quiet streets and suburbs of London. For some months past I have taken the trouble of asking my friends in different parts of London for their opinions on the subject. I have taken notes, and I find that having asked the question in twenty-seven different houses, in twenty-five out of that number the elder members of the family were unanimous in their condemnation of what they considered simply a nuisance. In the families of some of my friends, where there were young people, it was looked upon as a double annoyance. The organ-grinders and bands seeming to multiply in number, and redouble their efforts, at all kinds of inconvenient hours, during lesson-times, after bed-time, till eleven and twelve at night, &c.

Now, as my acquaintances are neither unkind, churlish, nor unmusical people, but fair specimens of the numerous class who dwell

in the parts of London most visited by street music, I come to the conclusion that amongst that class by far the greater number would hail the day of their deliverance from this torment. I conclude, also, that the reason we all bear it in silence is, that we think that if the law were to step in and abolish street music, a poor, honest, and industrious class would be deprived of the means of living. In this I imagine lies our mistake. I know comparatively little about the German musicians, but I can speak from good information about the more numerous class of Italian organ boys and men. I am convinced that our Legislature could not pass any measure of more genuine humanity and charity than one which would prevent the importation (I can call it by no other name) of those poor Italians into this country. They come, with scarcely any exception, to satisfy the greed of a few large speculators of their own nation. They are badly treated, ill-fed, and, into the bargain, cajoled out of the greater part of their hardly won earnings, before they return to their own homes, which many of them never reach.

I will not trespass on your space by entering into the details of the lives of those poor but honest, and ill-treated men. I only wish to suggest to the public, by your help, that, instead of doing a charity, we are, in truth, only encouraging a *loathsome system of cruelty and oppression*. If I can but succeed in attracting the attention of others better able to treat this matter, I shall have done all that I desire.

I am, Sir,
Your very obedient servant,
B.

From the "Morning Post," December 5, 1863.

We must appeal again for the privilege that every citizen should enjoy, of immunity in his own house from annoyance by his neighbours. Where is the old boast that an Englishman's house is his castle, if it be in the power of any one, or any numbers, to stand opposite to it in the public street and render it unendurable? But this is done every day. That Italian organ-grinders, blind men with screeching clarionets, boys with droning hurdy-gurdies, sucking musicians in the first stage of trombones and ophicleides, have daily the power of creating a plague as bad as any in Egypt of old, not a householder but knows to his distraction.

Mr. Babbage, the eminent mathematician, on Wednesday last,

took out a summons against an Italian organ-grinder, one Salvani Cristofero, the usual compound of garlic and goat-skins. The dirty vagabond with the poetic name, but very prosaic appearance, had beset Mr. Babbage's house for two consecutive days, had played there unceasingly, and, when repeatedly desired, had refused to depart. The services of Mr. Babbage are employed by the Government in calculations of the very highest importance; those calculations require the strictest accuracy; and calm and quiet are absolutely necessary for their development. Mr. Babbage, on Thursday, assured Mr. Mansfield, the sitting magistrate, that the persecutions which he had so long and notoriously undergone at the hands of these insolent aggressors, still continues. That during the last twelve months he had been disturbed by them no less than one hundred times; that he was thus most seriously impeded in the work by which he obtained his livelihood; that he was convinced that he was made the object of these harassing attacks, solely for the purpose of extorting money; and that his neighbours set these vagabonds on in their discordant assaults, and themselves hounded him in the streets for endeavouring to punish them. On this statement, so thoroughly disgraceful to our municipal rule, Mr. Mansfield made some very sensible remarks. He reprobated the persecution to which Mr. Babbage had been exposed. He trusted that the mention of it would not find its way into any foreign journals, for it would be degrading to the population of this country. He denounced the conduct of the instigators of this outrage as disgraceful, and that of the prisoner as wilful and contumacious. But, after having delivered himself of this philippic, how does Mr. Mansfield confirm it by his act? He first undoes it, every word. He fines the offender exactly 2*l.* 4*s.*, which is of course at once paid, either by the foreign scoundrel who imported his compatriot here for the express purpose of levying black mail on quiet English people, or by the degraded neighbours who had been thus hounding him on to harass attainments and industry utterly beyond their comprehension. What could Mr. Mansfield be thinking about? Certainly not any plan of mitigating this evil. Had Mr. Mansfield sentenced him to six weeks' hard labour, and confiscated his organ, there might have been some chance of securing a little immunity in this particular. Both the instigator, and the insolent tool of the outrage, would then have been caught in their own trap, and studious people would be permitted the privilege of reaping the results of their studies. At present the hardships that are endured—and must be increased by

such decisions as this—owing to the indefinite nature of our laws, and the mistaken leniency of our magistrates, are far more frequent, and more severe than many people are aware of. As usual, obscurity in the Act of Parliament is chiefly to blame. The Act says that this annoyance can be prevented only in the case of illness or other reasonable cause. But, marvellous to relate, not a magistrate will allow the utter impossibility of pursuing a profession taxing the mental faculties, to constitute that reasonable cause. We can only beg them to place a new organ and a freshly imported grinder in the anteroom of their court when next investigating a knotty case. No reasonable cause! Why, it seems ludicrous to rule that because a man is spared having an invalid in his house, he must needs be exposed to the infliction of what may be a positive personal annoyance to him. Street music can hardly be deemed a vital necessity to any one. Those who like it, and require it, should at least be compelled to indulge their tastes where it can annoy no one else. Smith is not permitted to annoy Jones by placing a manure-heap within reach of his nostrils; why should Jones be allowed to excruciate Smith's ears with Italian organ-boys? Fair play for all. One rule, and one remedy, would make it all straight. It should be at the absolute option of any man to prevent, at his pleasure, any such annoyance taking place within vivid hearing of his own dwelling. And any infraction of such a privilege should, after due warning, be visited witha little hard labour and the invariable confiscation of the instrument, monkey and all. Well might Mr. Mausfield deprecate foreign knowledge of the way we treat our eminent mathematicians here. In most foreign countries such a man as Mr. Babbage would long ago have been lodged at the public expense in some quiet corner, and the greatest care would have been taken that his important labours should suffer no detriment. Here, the district prefers organ-boys, and the magistrate virtually confirms the preference. There is something very painful in contrasting the intrinsic value and the actual estimation of the two antagonists of the police-court on Thursday. The monarch of the forest flying before the attack of the gadflies, is scarcely a more pitiable anomaly than a judicial decision which condemns intellect of the first order to be legally discomfited by a compound of filth and insolence, grinding of "Dixie's land," or "The dark girl dressed in blue."

Here is the case of the clergyman, whose letters I have given at pp. 12–14.

CLERKENWELL.

A. Valentine, an Italian, residing on Saffron Hill, was summoned before Mr. D'Eyncourt, at the instance of the Rev. John Meadows Rodwell, M.A., rector of St. Ethelburga, Bishopsgate Street Within, for playing upon an organ in Highbury New Park, after having been personally required to leave.

The Rev. Mr. Rodwell said he resided at Douglas House, 33, Highbury New Park, and for a very long time past—in fact, for more than two years—he had been annoyed by the continual playing of street organs near his house. On Saturday week, about five o'clock in the afternoon, the defendant was playing his organ in the forecourt of Frankfort Villa, a house in the occupation of a Mr. Hallé, a merchant of the City, and which was immediately opposite to his house. Every note of the organ could be heard distinctly in every room of his house, and as he was, and is, engaged in making translations from three or four Oriental languages, the nuisance was quite intolerable. He went over to the defendant and asked him to desist, but he would not, as he was engaged to play by Mrs. Hallé. On the previous Saturday he went to the defendant and told him that Mrs. Rodwell was unwell, and then he went away. The defendant was in the habit of playing in the forecourt of Mr. Hallé's house every Saturday for an hour, and he might as well be in the road, as the garden was only about four yards in depth. The defendant did nothing but grind out old tunes over and over again, and the loud screeching notes were a source of much annoyance to Mrs. Rodwell, who is seriously ill and very nervous. In addition to playing in front of Mr. Hallé's house, the defendant also was in the habit of playing in front of two other houses higher up. Mr. Hallé was not only in the habit of having the defendant in front of his house, but he had a whole army of organ-grinders there. Before taking these proceedings he had written to Mr. Hallé, asking him to abate the nuisance, but, instead of doing so, Mr. Hallé had rushed into his house and behaved in a very improper manner towards his friends and himself. He was not quite certain that he ought not to have summoned him before the magistrate. He might state that he had no personal prejudice against the defendant, and would rather pay a fine for him than otherwise. It was quite impossible to write

or study when the defendant and men of his class were playing their organs.

For the defendant it was contended that the garden of Mr. Hallé's house was not a public thoroughfare, and therefore the magistrates had no jurisdiction, and must dismiss the summons.

Mr. D'Eyncourt said, unfortunately, there was a difficulty in the Act, and he could not now convict the defendant. Had Mr. Hallé been in attendance he should have told him that it was a most ill-natured and unneighbourly thing to do, more especially when he had been asked to discontinue the nuisance, and told the reason why it was requested.

Sophia Silk, housemaid to Mr. Hallé, said that her master had the defendant in the garden every Saturday to play to the children, and they were very much delighted and pleased with the organ, as was every one else in the house. Mr. Rodwell was the only person who complained of the organs being a nuisance, and she could not understand why he did so.

Mr. Rodwell said the nuisance was so great that if it was not discontinued he should have to leave the neighbourhood. He had written to Mr. Bass, who had introduced a new Bill into the House of Commons on the subject, and had suggested that a clause should direct those who wanted organmen to play to them to take them into their houses. He had been a clergyman in the metropolis for the past twenty years, and he could vouch for it that the nuisance that these organmen were to them was intolerable, for they could not read or study even when they had a little time to themselves.

Mr. D'Eyncourt said he could quite sympathize with Mr. Rodwell, and he could not conceive anything more horrible than the continual playing of these street organs in front of his study. If Mrs. Hallé wanted to amuse her children she had better have the defendant with his organ in the drawing-room, and close all the doors and windows. He was of opinion that she would then soon get rid of the nuisance. He would direct one of the warrant officers to call on Mr. Hallé, and tell him that it was very unneighbourly of him to continue the nuisance.

The defendant was then discharged.

The following case (13th June, 1864) is the latest, and presents the usual features of the organ-grinding nuisance :—

HAMMERSMITH.

Antonio Bartelli, an Italian organ-grinder, who appeared not to understand English or French, was charged with annoying Mr. B. C. Jones, of No. 9, Arundel Gardens, Kensington Park, in his professional duties.

The complainant said he was engaged in writing an historical work, and that he and his neighbours were continually annoyed by organ-grinders. They were such a nuisance that they were prevented from proceeding with their work. On Friday morning, about twelve o'clock, he was disturbed by the prisoner playing an organ at the corner of the street. He went into the back garden at the end of the terrace, and to call the prisoner's attention he threw some stones, and by gesticulation desired him to go away. Instead of doing so, he set him at defiance. As he walked towards him he put his organ down and doubled his fist. The witness then turned and went into the house. Immediately afterwards his housekeeper called his attention to the prisoner. He then saw that he had turned round towards the front of his house and was grinding his organ in defiance of him. He ultimately gave the prisoner into custody.

Mr. Sutherland Menzies, of Ladbroke Gardens, said he lived in the neighbourhood of Mr. Jones. On Friday, when Mr. Jones called his attention to the case, he had heard an organ playing for half an hour, which it did every morning to his great annoyance. He complained that the organ-grinders in his neighbourhood pursued a system of extortion.

Mr. Whitcombe, a solicitor, also residing in that neighbourhood, said that during the time he was in his office on Friday morning he had to suffer the playing of nine different organs next door.

The prisoner, on hearing the evidence interpreted to him, said he put the organ down because the complainant threw a stone, and he thought the instrument was injured.

Mr. Jones said the stones did not fall nearer to him than twenty yards.

In defence, the prisoner said when he took up his organ a lady called him to play. While he was playing the complainant came up

and said he would go for a policeman. He went away as soon as he had finished the tune.

Mr. Ingham said that in conflicting tastes it was difficult to know what to do. He, however, thought that when an author was writing an historical work, that was a sufficient reason for an organ-man to go away when requested, though twenty other persons should wish him to stay.

Mr. Jones said he believed that he had cautioned the prisoner several times before.

The owner of the organ was then called in, and examined through the interpreter. He said he let the organ to the prisoner, who had been in England about fourteen months. The prisoner understood very little English. The witness instructed him to go away when requested. The prisoner was brought over to this country by his friends. The witness had seven organs, all of which he let out to his countrymen.

The prisoner having expressed his regret and his determination not to go again in the neighbourhood and disturb the complainant,

Mr. Jones said that was all he wished.

Mr. Ingham requested the owner to tell the prisoner that some of the householders in this neighbourhood are much annoyed by organ-grinders. He also requested the owner to be very precise in his instructions to his men, that they must move on when requested so to do.

The prisoner was then discharged.

CHAPTER IV.

OPINIONS OF THE PRESS ON STREET MUSIC.

I SHALL now give extracts from Articles in the Leading Papers and Reviews. I wish space permitted me to give more extracts from our facetious and potent ally, *Punch*. I shall, however, limit myself to one.

To the Editor of "The Times."

SIR,

I BEG to submit to the consideration of the Home Office my own case—one of the many in which serious annoyance and loss are daily occasioned by the impunity which the police are directed to concede to the street musicians of London. I am aware that there are many worse cases than mine—nevertheless, I consider mine to be one to which some remedy ought to be applicable.

I have hired a house in a quiet suburb of London, with the view of educating my children to the best advantage. My eldest girl is a pupil of M. ——, the well-known pianist, who gives her a couple of lessons every week. He generally arrives about 11 a.m. on Wednesdays and Saturdays, and is invariably followed, about five minutes afterwards, by a band of five blind men, known as "the Scotch Crawlers." These persons, warned by their emissaries of M. ——'s arrival, range themselves in the gutter before my house, and strike up a monotonous drone on two clarionets and three violoncellos, which may be feebly expressed thus—Rumm—ti—tumm—ti—dummm, and persist in it till my servant buys them off by the payment of half-a-crown, for they decline to move on for less

than 6*d.* a head, and I find it cheaper to pay that amount in black mail to them than to lose M. ——'s lesson, which costs me a guinea.

I have in vain applied to the police. They say that they have instructions to interfere only in cases of illness, and, thank God, I cannot plead that excuse.

The knowledge that I object to street music, that I have in vain applied to the police to deliver me from it, and that twice a-week I pay 2*s.* 6*d.* black mail in order to get rid of it, has rendered our street a favourite rendezvous for all manner of discordant vagabonds. A neighbour of mine—a celebrated artist—whose name is a household word in consequence of the amusement which we all weekly derive from his pencil, is almost driven wild by them. Occasionally he sallies forth to remonstrate, when he is invariably met by the foulest abuse; he then proceeds to find a policeman—no easy job at any time—and, possibly, eventually succeeds in ridding himself of one set of negro melodists at the cost of a morning's work to himself; but they are scarcely out of the street before the running is taken up by the well-known horse-organ, with the kettledrum movement, which has only been waiting round the corner till the policeman departs; or by the notorious widow, whose infant phenomena perform irritating sonatas on a jingling pianoforte placed on a costermonger's vegetable truck, drawn by a small donkey, The best understanding exists between all these plagues; they carefully impart to each other the exact localities where their presence is least acceptable, and, therefore, most likely to be bought off at a remunerative price.

The law, as it exists, is sufficient. All that we require is that the Home Office should direct it to be put in force. It seems to me that were the police instructed not to interfere with street music in localities where nobody objects to its presence, but always to remove it where a single householder requires them to do so, the evil would be effectually met. If A is busy, or nervous, or even capricious, and objects to the "Rum ti tum" of "the Scotch Crawlers," to the bray and crash of the horse-organ, or to the yells and clatter of the negro melodists, it is surely intolerable that it should be in the power of his malicious neighbour B to expose him to such serious annoyance whenever he desires to stir him up. If B really likes that sort of music, let him enjoy it by all means in his own dining-room; but let him not madden his neighbours by having it performed in the open street. We do not allow cricket, or tip-cat, or football, in our thoroughfares, although these games would doubtless afford infinite

delight to thousands of innocent boys, were they tolerated in our less frequented streets and squares. On what principle, then, does the police permit "the Scotch Crawlers," the ruffian in woman's clothes who dances "the Cure," the nigger melodists, the horse-organ, and the donkey pianofortists to infest us against our will, avowedly with the view of extorting money from us to get rid of them? Perhaps the worst nuisance of all is the German-boy band, every member of which attempts a different tune at the same time on a damaged wind instrument. They mostly play of evenings, stationing themselves at open dining-room windows, where dinner parties are going on, and before houses where the knockers are tied up, and where the street is strewn with straw.

I am, Sir,

Your obedient servant,

PATERFAMILIAS.

From the "Examiner," May 21, 1864.

THE GREAT STREET NUISANCE.

The Times has an excellent article on the subject of the intolerable street nuisance, which it justly likens to a method of extortion practised in China:

"It differs in nothing from the practice of the Chinese mendicants, who clatter strips of bamboo at the door of a shopkeeper till they are got rid of by an alms. If not paid, they will create their disturbing din for any length of time, just as the London organ-grinder will play his collection of discords three times over, to wear out his victim's patience. It becomes a battle of endurance on both sides, with this advantage on the part of the grinder—that his infliction becomes less endurable every moment. But, while we have the Chinese principle of extortion established among us, we have not their remedy for the evil. The bamboo-player is bound by custom to cease on receipt of the smallest piece of money current; his Italian counterpart in London has been known to refuse a shilling as not sufficient to buy him off. When the life or death of one of a family depended on undisturbed repose, we have little doubt the organ-man might demand what he pleased."

We should like to know the amount of black mail raised by the filthy Savoyards and Germans who monopolize the art of extracting money from our pockets by torturing our ears. The amount must be

very large, as there is not a part of this huge town which, from daybreak to midnight, is not beset with the vagabonds with their crazy organs or cracked horns. If housekeepers would resolve, only for one week, to give to the relief of the distress in Lancashire what they and theirs are in the habit of giving either to buy off or to reward detestable sounds, the nuisance would receive a death blow, and by the same means a handsome subscription would be realized for a beneficial object. An officer who has watched the nuisance estimates the tax at an average of sixpence a day for every house at the west and north ends of the town, and states that some of the grinders will not quit a square or street till they have levied their quota; and that by sheer pertinacity they succeed.

That some give from liking is not to be denied, for a bad thing seems good to a bad taste. There were people who relished the air of the graveyards crammed with putridity, and others whose noses delighted in the peculiar smell of the Thames three or four years ago, and whose only complaint was of the inconvenient appetite created. There are people who admire the marvels of art in Trafalgar Square, and even some who find grandeur and grace in the Guards' monument, with Victory playing at quoits. There is no abomination for which there is not some congenial taste; but because our neighbour likes bad music, are our necessary occupations to be unceasingly interrupted, and our ears put to the torture? Our right to quiet is stronger, surely, than his to his strange, foul, and unnatural gratification. Foreigners are amazed at what they call the coarse gluttony of the English taste for music, feeding on the worst garbage; and they argue that the general ear cannot escape uninjured any more than the palate could if disgusting rubbish were forced upon it. Be that as it may, if the music were good instead of abominable, the obtrusion of it at all times and seasons, at all hours of the day and most of the night, would be an intolerable torment. Indeed we have not a doubt that madness could be produced by incessantly plying a prisoner with sweet sounds. It would be like the torture of the dripping water, which no head can long endure—not painful, perhaps agreeable in the commencement, but agony by repetition.

The Times well observes:

"The fallacy that protects this abuse would be detected in a moment if any other art were employed in the same way. If another set of speculators persisted in holding up some hideous and repulsive daub before your window, and refused to move it till paid to go away, they could scarcely be defended on the ground that they were dissemin-

ating a taste for painting. A similar exhibition of some carving, as distorted as an African idol, to compel a gift by creating disgust, would not be protected by asserting the idol to be sculpture. Exactly what these things would be to real art, organ-grinding is to music. The 'reasonable cause' of objecting to the abuse is easily found and defined. It should simply be the dislike of the hearer to any such infliction. Why he dislikes it he should not be required to explain. Even good music, forced on the ear at all hours, becomes an unmitigated nuisance; and what is purposely made atrocious that it may be more annoying, deserves no forbearance."

The closest analogy is the practice of some beggars, who go about almost naked, exhibiting horrible sores and deformities to extort alms, especially from pregnant women. But these wretches must watch their opportunity, and if they are handed over to the police, the complainant is not required to show reasonable cause of objection to a filthy and disgusting exposure.

It is the peculiar misfortune of the metropolitan public that the nuisance so offensive to it, and detrimental to its occupations and peace, is under the fond and special protection of two of its members, Lord Fermoy, the member for much afflicted Marylebone, and Sir John Shelley for Westminster. The householders' day of reckoning with them will come, but meanwhile their bad representatives will do all in their power to defeat Mr. Bass's Bill. The Irish lord and English baronet faithfully represent the discords tormenting the town. The blackguard Savoyards and herds of German swine owe them a testimonial, a Midas's ear in brass.

From the "Globe."

"Perhaps the worst nuisance of all," wrote "Paterfamilias" to *The Times*, the other day, "is the German boy-band, every member of which attempts a different tune at the same time, on a damaged wind instrument. They mostly play of evenings, stationing themselves at open dining-room windows, where dinner-parties are going on, and before houses where the knockers are tied up, and where the street is strewn with straw."

If we are rightly informed, there is a worse thing about these German boy-bands than even their detestable dissonance, which many a Paterfamilias, besides him of *The Times*, knows has pursued him from the suburbs of London to the quietest watering-place in which he has sought refuge on the coast. It is credibly stated that

these poor little wretches are regularly inveigled over from "Vaterland," on pretence of being found employment; and when landed in London find this "employment" is to consist in practising in our streets an art, of which they have not learnt even the rudiments. What sort of teaching they ever get in that art is sufficiently evident from the sort of music which they discourse, which is certainly the reverse of "excellent." Soft-hearted suburbans and sea-siders give these little wretches coppers, not for the charms of their crude performance, but as alms; and these alms, let them understand, go to the rascally abducers of urchins who ought to be at school, for the mere lucre of dirty gain. Tourists return from Italy open-mouthed against good, honest, dirty, ragged, verminous Italian beggars. But here we are not satisfied with home-grown mendicancy, its professional properties, as above indicated, and its merely oral whine; we must needs import instrumental beggary into the bargain from every Italian or German port which can supply it. The catholic virtue of indiscriminate alms-giving has so died out amongst us that we feel we require putting on the rack to excite our Christian charity. We can imagine no other principle on which our present passive submission to the instruments of torture wielded by the vagabond musicians who infest our streets can be explained. We suspect we were precipitate in assuming, some little time back, that those who pay them must needs like them; and that the fact that they pick up a livelihood amongst us goes some way to show that they do really contribute to "the greatest happiness of the greatest number." No doubt this is to some extent true. Paul Hentzler, three centuries back, described the English as fond of gay colours, and of *great noises*. The taste for both, and more especially for the latter, has now, for the most part, descended from the first floors to the basement story. It is from thence, no doubt, that street musicians buy the larger proportion of the tribute *voluntarily* paid to their production of "great noises." But, besides that voluntary tribute handed up through area rails to these flayers of all educated ears, there is the *involuntary* tribute (possibly a larger one) from the owners of these latter. It was laughed at, as a licence of broad farce, when a wandering minstrel on the stage declined to "move on" for anything under sixpence, as "he know'd the vally of peace and quietness." But "truth is strange, stranger than fiction." Five times that tribute is regularly levied, twice weekly, on "Paterfamilias" of *The Times*, by five blind vagabonds, known as "the Scotch Crawlers," who have, it seems, discovered the hours at which that

much-vexed gentleman's daughter takes music-lessons. The notoriety of this tribute "has rendered," he adds, "our street a favourite rendezvous for all manner of discordant vagabonds."

"A neighbour of mine—a celebrated artist—whose name is a household word in consequence of the amusement which we all weekly derive from his pencil, is almost driven wild by them. Occasionally he sallies forth to remonstrate, when he is invariably met by the foulest abuse; he then proceeds to find a policeman—no easy job at any time—and, possibly, eventually succeeds in ridding himself of one set of negro melodists at the cost of a morning's work to himself; but they are scarcely out of the street before the running is taken up by the well-known horse-organ, with the kettledrum movement, which has only been waiting round the corner till the policeman departs; or by the notorious widow, whose infant phenomena perform irritating sonatas on a jingling pianoforte placed on a costermonger's vegetable truck, drawn by a small donkey. The best understanding exists between all these plagues; they carefully impart to each other the exact localities where their presence is least acceptable, and, therefore, most likely to be bought off at a remunerative price."

The celebrated artist above alluded to pillories his persecutors effectually in this week's *Punch*, whose pen, moreover, comes in aid of the avenging pencil. But something must be done seriously to set limits to the nuisance which to some is a pleasure. "The law," says "Paterfamilias," "as it exists is sufficient. All that we require is that the Home Office should direct it to be put in force.

"It seems to me that were the police instructed not to interfere with street music in localities where nobody objects to its presence, but always to remove it where a single householder requires them to do so, the evil would be effectually met. If A is busy, or nervous, or even capricious, and objects to the 'Rum ti tum' of 'the Scotch Crawlers,' to the bray and crash of the horse organ, or to the yells and clatter of the negro melodists, it is surely intolerable that it should be in the power of his malicious neighbour B to expose him to such serious annoyance whenever he desires to stir him up. If B really likes that sort of music let him enjoy it by all means in his own dining-room; but let him not madden his neighbours by having it performed in the open street. We do not allow cricket, or tip-cat, or football, in our thoroughfares, although these games would doubtless afford infinite delight to thousands of innocent boys were they tolerated in our less frequented streets and squares. On what principle, then, does the police permit 'the Scotch Crawlers,' the ruffian in woman's clothes who dances 'the Cure,' the nigger melodists, the horse organ, the donkey pianofortists to infest us, against our will, avowedly with the view of extorting money from us to get rid of them?"

We do not see that there would be any valid objection to this restriction of street music. After all, streets are built for people to live and work in; not primarily to afford open-air concert-rooms for nigger or other wandering minstrels. That secondary or occasional use of city and suburban thoroughfares must yield to the primary, when the two come, as they come so frequently, in collision. It is rather unlucky that the gentlemen who govern the country do not feel the nuisance. In a conversation which took place on this subject in the House of Lords, not long before the death of the late Lord Campbell, that venerable judge, and all the other lords, if we remember right, who took part in it, declared themselves opposed to any "organic change." But the truth is, they really do not feel the organic disease. Their mansions are either set back from the public thoroughfares (like Stratheden House), or, at all events, have depth and space enough to get out of reach of all importunate street noises. Let them observe the sort of middle-class residences at Notting Hill and Kensington, depicted by Leech, with the well-known water-tower erect in the distance. The men of art, and science, and letters, who dwell in the many houses which are not mansions in those streets and squares, cannot get away, like noble lords and honourable gentlemen, from these trivial annoyances, and, in plain terms, cannot afford to continue subject to them in their present enormity.

From "Punch."

LONDON'S UNMUSICAL SEASON.

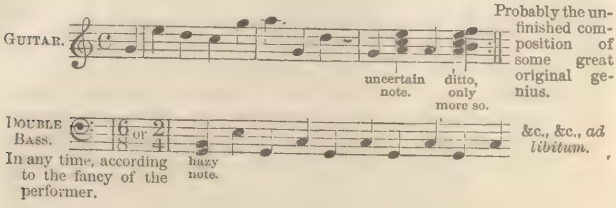
THE following arrangements will be carried out in the course of the present season, which, we hear, owing to Mr. Bass's most salutary Bill, will be the last of the great unmusical seasons of London. The subjoined plan will be only wholly and duly observed in the most quiet streets of the metropolis; but persons inhabiting Squares, or thoroughfares possessing ample accommodation for itinerant musicians on the pavement, will be gratified by the occasional performance of portions of the entertainment. Perhaps they would be more gratified by the performance of no part of the programme whatever.

PROGRAMME FOR QUIET STREET MUSICAL PERFORMANCE.

During the London Season.

Time of day. 9 A.M.—German boy and girl, solo and duet, accompanying themselves on double bass and guitar. Introduction—

Tuning for ten minutes: during this time, the educated amateur will have much pleasure in noticing the laudable efforts made by the double bass to get into the same cleff with the guitar. Despairing of ultimate success, and unwilling to keep their audience waiting any longer, they play as follows:—


Guitar.
Probably the unfinished composition of some great original genius.
uncertain note.
ditto, only more so.
Double Bass.
6 or 2 / 8 4
&c., &c., *ad libitum*.
In any time, according to the fancy of the performer.
hazy note.

This performance will last until 9·45, after which—

10 A.M.—Full German Band, with music-stands and a conductor,

Overture . . . . . *Guglielmo Tell.*

This last piece, though very fairly executed, at all events by comparison with other itinerant performances, frightens several horses. This concludes at 10·30.

From 10 A.M. until 1 P.M. will be heard, at intervals, clearly or faintly, according to the thickness of the walls, the two young ladies in the next house, practising scales, Schubert's variations, operatic music arranged as waltzes, galops, &c.

11 A.M.—Man with organ.

Air . . . . . *La mia Letitzia,*

played very slowly, with whistling accompaniment, out of tune.

12 A.M.—Man, without organ, but with monkey.

Air, performed by monkey, on cymbals . . *Vague.*

Firing gun by monkey, shouting by man, and other performances, including a broad-sword combat between man and monkey.

12·45 P.M.—Combination of talent. Man with organ *and* monkey. Tradesmen's boys cat-calling, and whistling reminiscences of popular airs.

1·15 P.M.—During luncheon, organ with donkey. Seated cripple, charitably supposed to be deaf, turning the handle, and old woman, who collects money, and shakes tambourine. This organ is equal to

three entire brass orchestras of fifty performers, drums, cymbals, and triangles included.

2 P.M.—The Infant German band, composed of small dirty boys evidently learning their notes.

Overture . . (*supposed to be*) . . *Guglielmo Tell.*

2·30 P.M.—Indian musician with his tum tum tum.

3 P.M.—Niggers, accompanied by admiring crowd.

3·30—Solo . (Flageolet) *Home Sweet Home.* (*New version.*)

Street-boys whistling reminiscences as before.

4 P.M.—More niggers, in costume, with kettle-drums, a man with a false nose, and a female singer.

Balcony Stalls (area railings) . . . . . 1½*d.*
Pit (pavement) . . . . . ½*d.*
Dress Circle (door step) . . . . . 2*d.*
Private Boxes (upper windows, well filled with servants) *ad lib.*

5 P.M.—Dancing Pony. Whip smacking. "Hi! Hi!" "Hoop!" Volunteer band in distance, marching out to drill.

5·30 P.M.—Itinerant vocalists, distressed weavers, with singing children.

Solo and Chorus . *I'm Leaving Thee in Sorrow, Annie.*

6 P.M.—Solo, violin.

7 P.M.—Grand Finale. Organ corner of street. Niggers, new set, with two extra voices, and a Leader, who squeaks shrilly. Oratorio kind of organ opposite corner of street. Volunteer band in the distance, marching home after drill.

The entire concert concludes punctually at 7·40.

8 P.M.—A POLICEMAN is seen slowly passing before the dining-room window; and all is still.

10 P.M.—Somebody going home playing accordion.

10·30 P.M.—Somebody else, whistling.

11 P.M.—Cats.

Such are the delights of the Great London Unmusical Season!

To the Editor of "The Times."

SIR,

SOME years ago there was a grave onslaught against what were called the "London cries;" that shouting of petty retailers as they passed with their small wares, wistfully looking up at windows and down into areas for the purchasers so summoned. It was decided that "London cries" were a nuisance; that they must be put down. The Legislature was called upon to interfere with them, and it did so. We did not actually clap on each street bawler a "cap of silence," such as the deposed King of Naples was censured for employing, and which, be it said, *en passant*, was common in our own prisons so late as the year 1818, when it was screwed on the head of Denis Haggerty, to prevent his singing "rollicking songs" in gaol, but we tranquillized our streets. The muffin-man no longer ventured to add the harmony of words to the tinkle of his muffin-bell. The shivering groundsel sellers stared silently at balconies where birdcages hung. The dealer in hare skins and rabbit skins communicated softly, like a spirit-rapper, with the cook. Watchmen were abolished. People abed were left to guess what was the hour and the state of the weather. They no longer heard through the muffling folds of the counterpane the cry of "Past two o'clock, and a starlight morning," repeated by husky throats with a drowsy slowness. London grew dumb. Only "Punch" was spared. I think it was the late Lord Bessborough who rose in his place in the English Senate and entreated for that time-honoured Italian importation. The members present assented with much hilarity, and Polichinello's solitary squeak was excepted from the general order of tongue-tying.

We put the "London cries" down. What have we got in their stead? With a ludicrous and lop-sided legislation we have silenced our own petty traders, earning a few pence as they walked along, but we consider ourselves compelled to endure the most deafening rows, conducted for the most part, if not universally, *by foreigners*. Mr. Babbage, one of the greatest scientific names known to England, complains in vain. Humbler persons complain in vain. Conceive Arago or some French philosopher in Paris disturbed in his studies by several relays of Highland bagpipes, and informed that he must bear it for want of a law to prevent the infliction! The amount of annoyance to families is incalculable. They may be watching the

dead, beginning a service of morning prayer, teaching their younger members music or arithmetic—no matter, crash comes the "German band." You pause, and wait till it gets out of your street: crash comes another band. Happy, indeed, if both bands do not play at once.

"But," say the upholders of this nuisance, "your neighbour may like this music." If my neighbour has the tympanum of his ear so ill-constructed I can only pity him; but his liking the discord by which I am tortured is no reason why I should be forced to endure it. My neighbour may wish to perfect himself in rifle practice, but he is not permitted to fire even blank cartridges across the street, or to consider my area bell-handle as the bull's-eye of his target. If he desires to hear that music let him admit it into his own hall. Let it be heard, as all evil things are decreed to be heard, "with closed doors." Let the bands play in open spaces to idlers in the parks, and not under the windows of persons occupied, invalided, or bitterly grieving. We are told, "Oh, but if there is sickness in the house, you may order the musicians away, and, if they won't go, send for the police." Can there be a more absurd reply? Before the angry order has been given and resisted, and the police have come to dispute inches of distance, and order the band to "move on" (two doors off), the mischief is done. I know a case of brain fever in which the patient, after nights of delirious wakefulness, was at length lulled by opiates to slumber. Not one of the weary watchers in that room dared even to rise and leave it for a little repose lest the sick man's sleep should vanish. In little more than half an hour (it being then nine in the morning) crash comes the "German band," composed of eight instrumental performers. Messages were sent down in vain, and by the time "the police" had come, and the vociferating foreigners had sullenly betaken themselves half a street off, the invalid was worse than ever, and his recovery indefinitely retarded.

By what law, or want of law, is such impunity permitted? What vested right in noise have these vagabond bands established? We order some poor old fruitseller off as "obstructing the public way." Does that patient old vendor of apples and alacampane cause one-hundredth part of the annoyance to any living creature that is inflicted by a street band? Does she frighten horses, wake the sick, disturb the mourner, trouble the occupied, and prevent, perhaps, some man whose livelihood depends on his brain-work from earning his daily bread? If she and her apples can be removed, why is it

impossible to interfere with the banging and beating of drums and tambourines and the roaring of brass bassoons?

It is only a day or two since a hawker of newspapers was had up at a police-office (after being in custody all night), charged by a Belgravian footman with persisting in bawling out the supposed news from America after that irate flunkey had ordered him to "*desist from the annoyance.*" The hawker received a severe reprimand for not being aware that there had been *no* decisive news from the Federals to justify his bawling. When shall we see a whole band armed with their instruments, grouped before some Lycurgus of the police, to be sharply reproached for their defective performance of the music of *Marta*, and for not "desisting from the annoyance" when called upon to do so?

Parliament is about to meet, and among the many small measures that will take their chance of a hearing, in company with greater and more important questions, surely some Bill might be passed, procuring for that portion of the public to whom it is not a pleasure, but, on the contrary, a grave injury and annoyance, to be pestered from morning to night with incessant repetitions of discordant tunes, some degree of peace and silence? In my own neighbourhood I can safely affirm that from nine in the morning till nine or ten at night there is no cessation of torment; and I earnestly suggest to Mr. Babbage and other scientific men that the Legislature be called upon to defend their rights of brain-labour by dealing with "London bands" as it dealt years ago with "London cries," and as the dauntless and deafened "Jeames" dealt with the sonorous hawker who was reproved for knowing so little and bawling so loud when selling his newspapers in Belgravia.

I am, Sir, &c.,

Jan. 26. CHELONE.

From "The Owl."

THE FRIEND OF TRANQUILLITY AND THE ORGAN-GRINDER.

THE following capital new version of George Canning's renowned Sapphics, in the *Anti-Jacobin*, appears in our elegant and facetious little sixpenny contemporary, *The Owl*, of this day (No. 1004!), but just now published:—

FRIEND OF TRANQUILLITY.

Seedy Savoyard, wherefore art thou grinding?
Rough blows the wind, thy pipes are out of order,
Old is thy tune, thy monkey is a nuisance,
So is thy organ.

Tiresome grinder, heed'st thou not the sick ones
Who on their couches restlessly reclining,
Tortured all day, must hear thy hurdy-gurdy's
Merciless strumming?

Tell me, Savoyard, how you come to grind so,
Did some foul fiend tyranically use you?
Why don't the beaks or beadle of the parish
Thrust you in prison?

Why can't some Babbage, for racking of his nerves, or
Beer-making Bass, for his ears distracting,
Or hardworked lawyer straightway pitch your little
All in a horse-pond?

Have you not read the speech of Mr. M. Bass?
Cheers of approval ringing through the Commons—
You and your chattering monkey must return to
Valleys of Savoy.

ORGAN-GRINDER.

Savoy, Lord bless you: why should I return there?
Only last night, while grinding on my organ,
This poor old chap and monkey got eleven
Bob in an hour.

Hall porters came up for to beg me not to
Make such a row, or they'd give me into charge: I
Laughed them to scorn, and asked them how they liked "The
Ratcatcher's Daughter."

Babbage may rave and bluster, if he likes it,
Bass may make beer or speeches as he pleases,
I, for my part, will not budge unless you give me
Sixpence to move on.

FRIEND OF TRANQUILLITY.

I give thee sixpence! I'll see thee d——d first!
Wretch, whom no sense of nerves can move to pity,
Dirty, unshaven, pilfering, degraded,
Impudent outcast.

Kicks the organ-grinder, upsets his organ, lets loose his monkey, and exit in a transport of rage.

I conclude these extracts, showing the opinions of the Press, with some very apposite remarks contained in a pamphlet, published last year.

OBSERVATIONS ON THE ABUSE OF TOLERATION PERMITTED TO THE ITINERANTS WHO PROWL ABOUT THE STREETS OF LONDON, WITH MACHINES ASSUMING TO BE MUSIC PLAYED MECHANICALLY BY THE HAND.

THEIR name is legion, for no one, save Sir Richard Mayne and the speculators importing these mendicants, is acquainted with the sources of this enormous aggression upon the peace of London.

The grievance *primâ facie* upon the tranquillity of the city cannot be dissembled. It is begging; but street begging is forbidden by law. Thus, to evade it, an English beggar girl assumes to sell pincushions, &c.; but, in order to set the foreign organ-grinder legally afloat, the Metropolitan Police Act assumes the box of mechanism he hawks about to be music. * * * *

But, be they music or not, that ought not to disfranchise the inhabitants of a street, who dislike the invasion of its peace, of their rights. * * * *

The exception in favour of barrel-organ noise in our streets is favoured by inconsiderate persons, on the assumption that some like the noise, and others are indifferent to it.

It cannot be maintained for a moment that any inhabitant of a street can be justified in setting up any pervading noise therein, because he may have a taste for it, be it music or not. A stand may be taken on this point, and that the author of it would be in the abstract *de facto* an aggressor upon his neighbours.

The toleration given by the Metropolitan Police Act, tramples on the maxim which is in every Englishman's mouth—that his house is his castle, and that his tranquillity therein, his most precious privilege, is a myth; for by that Act the householder is limited to the power of ordering the organ-grinder to move on (unless the former has a sick inmate); but the latter can deride this degree of relief by the mere advance of a few paces. Then the supply of this so-called music is such, that the next minute a confederate may succeed the first aggressor; and it is absurd to suppose that servants can be commanded in families in a degree sufficient to procure relief without continual liability to torment. If the householder happens, perad-

venture, to have a mews or lane in the rear of his residence, there these intruders can enter. But, as to a sick inmate, the cruelty of the Act towards persons suffering from illness can be well established by superabundant testimony, if a Committee of Parliament shall be granted. By day or night there is no remission.

It is true that the inhabitants of the largest dwellings in London are somewhat less incommoded from this cruel nuisance, by the fact of their houses being generally more or less inaccessible in the rear of them; but no one favourable to organ-grinders will venture to say that the less wealthy classes occupying the smaller description of houses, or the inhabitants of lodgings, or shopkeepers, are not to be considered, in what regards their comfortable existence, as much as others who, by their wealth, enjoy herein an artificial protection.

Barrel-organs, and such like, operate as a positive obstruction to persons of moderate means, residing in any of the smaller or medium streets of the metropolis, from receiving musical instruction in their families; for it is self-evident that the two things are incompatible.

If this be so, can the indulgence of organ-grinding here, there, and everywhere, be defended by any regulation admissible in a civilized country? Literary people, too, it is presumed, are well entitled in this country to the assurance of their tranquillity within doors.

On this branch of the subject every reader of the public papers is familiar with the frequent instances of annoyance which have compelled Mr. Charles Babbage to prosecute these perambulating mendicants for the hindrance and interruption of his important professional labour, oftentimes failing to bring home the vexations he has had to endure, by the letter of the Police Act, but always losing his important time—the worth of gold—balanced against its flimsy and ephemeral penalties.

* * * *

To those who contend for immunity to German or other bands of street music, although their presence is an undoubted invasion of right in the streets, it may be said that a band of music, be it good, bad, or indifferent, can only play for a short period, or at reasonable intervals. It must relax to take breath, and will never remain for a long period, whereas a barrel-organ need never give repose to its powers. It is never fatigued; and, for twopence paid out of an area, may harass and annoy the *bonâ fide* proprietors of a street, certainly beyond the bounds which an Act of the British Parliament could ever have intended or permitted when it was passed.

If any one partial to the indulgence of a barrel-organ wishes for it, would it not be a rational enactment to provide that he shall take it into his house if he pleases?

In Paris, the number of these mendicants is strictly limited by the "*ordonnance* of the Prefect of Police," who extends this indulgence *exclusively* to Frenchmen, and can never be exceeded but by his authority, and under many stringent regulations—while the London public is inundated by an unnumbered horde of foreigners, and the tastes, feelings, and its tranquillity are sacrificed by the unintelligible latitude of the Metropolitan Police Act passed many years since.

Is it unreasonable to hope that an amendment might be introduced to provide that, if the inhabitants of one-third of any street or locality shall object to street music, so called, being permitted to enter their street, they may be prohibited from doing so?

The writer of these observations, who is an inhabitant, regards it more as a dream than as a possible reality, that Parliament should have opened the metropolis to the inroad of a horde of foreign mendicants, *uninvited*, to prey upon its peace for pelf, and to throw upon the inhabitants the onus of requiring the intruder to move on and cease his aggression so monstrous in itself as not to be credible, if use had not familiarized it, and to have allowed this to go on increasing until it has become intolerable. Such is the condition to which the latitude given by the Metropolitan Police Act has brought us.

Should these observations fall under the eye of our Gracious Sovereign, what would she think when it was exposed to her that no retirement can be found for domestic affliction, none for delicate health, none for feeble nerves, no protection in private dwellings against the brutal teasings of an instrument constructed to destroy tranquillity, and turned loose into the public streets to harass and distract the people in their industry, avocations, and callings, with the authority of law, which it should be the purpose of law to foster and protect?

CHAPTER V.

PARLIAMENTARY PROCEEDINGS.

I MIGHT multiply the reports of Police Cases and Articles from the Newspapers and Reviews given in the preceding Chapters, to almost any extent; sufficient has been given to prove the total inefficiency of police intervention. It was this conviction of the magnitude of the evil and the helplessness of the victims to organ-grinders and brass bands, that induced me to take up the question last Session; which I did by moving the following resolution:—

"That it is expedient to reconsider the law on this matter (street music) at the earliest opportunity."

HOUSE OF COMMONS DEBATE ON STREET MUSIC.

July 17, 1863.

Mr. BASS was sorry that the division had prevented him from making the motion of which he had given notice in regard to street music. The inconvenience and horrors of that nuisance were known to everyone. Street music had become so intolerable that it was desirable at any rate that the law on the subject should be more precise and better known than at present. From early morning till late at night the inhabitants of the metropolis were annoyed by incessant discords. Bands were continually playing north, south, east

and west. That very morning he found four all at work together in Eaton Square and its neighbourhood, one in front of the residence of Sir Richard Mayne, and another before that of the Home Secretary. It was a real hindrance to the serious business of life. Men engaged in severe mental occupations, like Mr. Babbage and others, were actually unable during the greater part of the day to continue their studies. Mr. Babbage had told him that one-fourth of his time was consumed by the hindrances occasioned by street bands, and that in the course of a few days he was interrupted 182 times. People were even driven from London by the street bands, which consisted for the most part of a set of foreigners hired by others who made a livelihood out of them. The late Lord Canning told Sir Richard Mayne that on one occasion, when writing a despatch of great importance, a serious error occurred owing to the noise created by a band under his window. He himself that very morning was awoke out of his first sleep by a street band, and during the course of the day he was frequently disturbed when engaged in his correspondence. It might be said that if the bands were not paid they would not exist. His own opinion was that people gave them money, not because they liked the music—nobody could like it—but in order to get rid of them. Their number ought at least to be limited, and the inhabitants of such districts as did not desire them should have some means of relieving themselves from an intolerable nuisance. At present nobody seemed to know what the law was, and consequently he invited the House to take the matter into its serious consideration.

Lord Fermoy maintained that the existing law was sufficiently stringent. Mr. Babbage had put it in force on several occasions, and had punished, he thought unjustly, a great many poor musicians. There could be no doubt that if street music were not enjoyed, it would not be provided; the fact that the bands were paid proved that they were liked by large numbers of people, and no person had a right to interfere with the innocent tastes of his neighbour. If street bands were put down, many other things must follow. Huge drays full of beer-barrels, even though the name of "Bass" might be inscribed on them, were a serious annoyance and inconvenience, and some people might say they ought not to be allowed to pass through the streets in the daytime. The fact was, however, that the streets must be free for all legitimate occupations. He hoped that in another Session a measure would be brought in, not to suppress street music, but to provide places of recreation in

the metropolis to which the lower and the middle classes could go to hear bands play.

Mr. C. Bentinck could not admit that because these street bands were paid they ought to be tolerated. The same argument would sanction mendicancy, because there were many persons who gave money to beggars. Not being a man of taste, he had suffered a great deal from street bands. He lived in a thoroughfare having a large square at one end and a street at the other, and which was infested with bands, organs, wandering minstrels, negro melodists, and every species of musician. One band sometimes played fifty yards to the right of his door, another played at an equal distance to the left, with wandering minstrels performing in between. If one man in a whole street liked this music or this noise, that was no reason why all the other inhabitants should be annoyed. If the noble lord the member for Marylebone were to engage a band of Garibaldi's followers to play in his house all day, and disturb his neighbours, his neighbours could recover damages against him. Why, then, should a man be allowed to create a disturbance in the public street which would be a breach of the law if created in a private dwelling? The Act said that a householder might cause an itinerant musician to depart, and that if the musician refused, he might be fined a sum not exceeding 40*s*. But if the householder himself happened to be absent, a lodger or any other person in the house could not dismiss the street musician; and lodging-house keepers often lost their lodgers through this nuisance. But even if the housekeeper were at home, a policeman had to be found—a matter of extreme difficulty, especially in the daytime. Again, when the musician was taken, before a magistrate, it was necessary to prove that the housekeeper had a "reasonable cause" for ordering him away; and magistrates were not agreed among themselves as to what was a reasonable cause. The words of the Act were, he believed, "the illness of an inmate, or any other reasonable cause." Street music not only prevented people from obtaining rest and quiet, it disturbed them when making calculations, or even when studying their speeches. How disagreeable, for instance, it must be to the noble Viscount, when preparing the business of his office, to be disturbed by a street band playing "Awa' Whigs, awa'." The Act should be amended by striking out the condition as to the illness of an inmate of the house and any "reasonable cause," and by enabling the inmates to order off street musicians at their own will whenever they experienced annoyance.

Mr. MALINS thought that every man ought to be protected in the peaceful enjoyment of his own home. That, however, was more than he could obtain in the square or parallelogram in which he lived. He frequently had to endure a grinding organ on one side and a noisy band on the other. As to preparing speeches, he was not in the habit of troubling the House often; but he had work to do at his own home which involved a great deal of reading and study, and he declared that he had seriously entertained the notion of living away from London in consequence of these nuisances. He often told his servant to send away street musicians, but they only moved off a few yards, and it was of no use trying to stop them. He had no help for it but to wait till 11 at night came, when he might expect to have quiet; but even then, he must confess that his neighbourhood was sometimes favoured with a round of the "Old Hundredth," beginning about 11, and ending at half-past 12. That was no really laughing matter. He could not get on with his work unless he set about it very early in the morning, before the street musicians were up. The organ-grinding was the worst nuisance of all, and the Under-Secretary for the Home Department ought to do something to put it down.

Mr. BRUCE said the hon. member for Derby had very vividly portrayed his sufferings from street music, but had not given them the slightest inkling of his opinion as to the proper remedy for the evil. There were only two remedies available which were not already enforced; one of them was to prohibit all street music under any circumstances. It was said that bands were not so bad as organs; but it was well known that in many parts of London crowds of children gathered round the Italian organ-grinders. What might be unacceptable at the West-end, was very popular in other districts. It was all very well for those who disliked, or who possessed a very refined taste for, music, to seek to do away with the bands in the streets; but with the great majority of the population there was no doubt they were popular. Indeed, he felt sure that if the hon. member for Derby were to poll his own household he would find the greater number of votes recorded in their favour; and he did not think it, therefore, desirable that it should be placed in the power of every churlish person, or every man who happened to be busy, to drive music out of the streets. There were, he admitted, drawbacks under the existing system; but it became those who complained of the annoyance occasioned by those bands to take care that the remedy which they sought to provide was not worse than the evil which it was proposed to cure. It had been said that the words "reasonable grounds" were uncer-

tain; but if, for instance, a member of the House, returning from the discharge of his duties at 3 o'clock in the morning, were to represent to the policeman in the neighbourhood that he required to sleep to an hour long before which persons were in the streets, there could be hardly any doubt that that would be regarded as a "reasonable ground" for preventing these bands from playing so as to disturb him. So it was decided that interference with the labours of Mr. Babbage, a man of science, was a "reasonable ground" for regarding the bands in the light of an annoyance. That being so, he could not undertake, on the part of the Government, to say that they would be prepared to interfere with the law as it stood.

Sir J. SHELLEY rejoiced to learn that the Government had arrived at the decision which his hon. friend the Under-Secretary had announced. The hon. member for Derby, he contended, was entirely mistaken in supposing that the inhabitants of the metropolis were opposed to music. In support of that view he might observe that he, as the treasurer of the Regent's and Victoria Parks' bands, could state of his own knowledge that those bands were now self-supporting, although there was in the first instance great difficulty in establishing them; and if any gentleman would visit either of these parks on Sundays he would find there crowds of well-dressed persons listening to the music. We should have, indeed, a solemn metropolis if his hon. friend's motion were carried. There would be no life, no pleasure, no amusement.

I do not think the noble Lord the Member for St. Marylebone would repeat, after the perusal of this volume, the allegation he made in this debate, viz., "*That there never had been an instance proved of their* (the street musicians) *being a nuisance.*"

This debate last year in the House excited a good deal of attention. Suggestions were made, which I have since carried out, for testing public opinion; one, that of collecting the opinions of different classes of the community, as suggested in a letter published last year, which I here give:—

To the Editor.

Sir,

Neither Mr. Bass nor any other Member will probably be able to abolish the intolerable nuisance of street music unless he enlist the aid of the medical and scholastic professions. Let a requisition be signed by some hundred members of the faculty, of the bar, and of the educational professions, testifying to the wear and tear of mind and body—to say nothing of the waste of time—caused by street music, and even the most obtuse in the matter will be found to recognize it as an evil which, like every other nuisance, ought to be checked, on the simple and acknowledged ground that one man's pleasure is not to be to the hurt of his neighbour.

Lord Fermoy and Sir John Shelley should speak for themselves, and not for the public, when they assert street music to be agreeable to the majority of the inhabitants of the metropolis. If those gentlemen delight in the discord which will set even dogs yelling, they are welcome to the private enjoyment of their peculiar tastes; but do not let them suppose the oral infirmity under which they labour, and which cheats them into the fond delusion that diabolical discord is music, is shared in by other people who have ears to hear with, and suffer accordingly.

In no European country but England is street music tolerated, except during the great annual fairs.

I repeat, let medical men bear testimony to the suffering and the danger to their patients, in certain forms and stages of disease and debility, by the persistent noise of discordant bands and grinding organs—let the student and the artist—the teacher and the taught—the professional men who have to gain their living in London by the exercise of their brains, bear witness to the annoyance, the irritation, and the waste of valuable time caused by the discordant noise in our streets morning, noon, and night, which my Lord Fermoy and Sir John Shelley are pleased in their exquisite taste to call music!

Let Mr. Bass collect such unanswerable evidence of the nuisance as will convince even the most indifferent that it is a nuisance in the most comprehensive sense of the term, and quite as destructive to health, comfort, and quiet, as *bad smells*, *bad drainage*, and the proximity of disorderly houses; and, therefore, equally requiring to be done away with through the interference of the law. We do not, I think, generally take into consideration the fancies of maid-servants and children when framing various enactments for the health and

convenience of the public; and, therefore, I would ask Hon. Members a plain question: Is any portion of the community to suffer in mind, body, and pocket because maid-servants and children delight in organ-grinding? Are those whose time is valuable to be subjected to the loss of it because Betsy and Sally, and their young charges, whose time is not valuable, rejoice in street music? The thing is preposterous, and the wonder is that it has been allowed to continue so long, unless it be accounted for on the principle that what is everybody's business is nobody's business. It is to be hoped, however, that something will be done, and done effectually—no half measures will do in a case of this kind. Even *good music* may be a *source of annoyance* to those who are ailing. Who shall describe the oral misery inflicted by organ-grinding and bands, of which every instrument is out of tune?

If people wish for music in the open air let certain places and hours be appointed where good bands may have a fair chance of being heard without annoying others; but, for pity and music's sake, let organ-grinding and psalm-singing be banished every town and village in the United Kingdom as an unmitigated nuisance.

If Mr. Bass will only persist in his endeavours to remedy this outrageous plague he will earn the thanks of thousands upon thousands whose peace and comfort is at the mercy of swarms of foreign vagabonds. The deaf are the only ones exempt from it.

ONE OF THE TORMENTED.

July 18.

I enclose my card.

DUDLEY VILLA, 33, GROVE END ROAD,
ST. JOHN'S WOOD, N.W.,
July 20, 1863.

SIR,

I AM one of the, I suppose, thousands who heard with bitter regret the issue of your valued attack upon those outrageous disturbers of our peace and of our studies, the brass bands and hand-organs.

I would beg of Mr. Bruce to satisfy himself that the payers and supporters of this noise are the poor;—to see if they are not our own idle, coarse-minded flunkies. But if that noise do really gratify the lower orders, well, let it be sent to their streets, or to the doors of

public-houses, where those loud sounds will find congenial listeners; but why people in intellectual occupation should not have the right of, in the most summary way, dismissing such from their quiet streets, where the noise becomes, from that very quietness, intolerable, I cannot understand.

Sir John Shelley let out, I suppose inadvertently, the best proof of the needlessness of that so-called music's intrusion on our quiet streets, when he spoke of the parks, for there the very poorest can have such music gratis.

But does that music really benefit the lower orders? does it not lead them more and more deeply into a false and coarse way?

It has been well remarked, that in this country the general love of noise is a great bar to our appreciation and enjoyment of music; and does not this noisy interruption of all intellectual pursuits at the same time strengthen, particularly to the lower orders, this debasing propensity, and really lead them away from true enjoyment? it is indeed a sort of sounds fitted only to accord with the low wrangling and shouting in a tavern.

It is vain for Government to take expensive measures for humanising and refining our lower orders, if they themselves will actually advance and defend such gross enemies to true refinement. Let us all think of the powerful influence of sounds upon our minds.

A musical friend of mine showed me that hand-organ music cannot well be called music; that, although it might be true in time and tone, yet its mechanical monotony lacking all expression—the first and the most important feature in music—is subversion of good feeling of any kind.

Among literary pursuits hurt by this *good-for-nothing* nuisance, surely those imaginative, such as of a musical composer or student, a poet, an artist in the conception of his subjects, should be considered; of them this interruption is absolutely destructive. I thought that our Legislature did not allow any one man, or party of men, to pursue their own enjoyment to the hurt of their neighbours; and the hurt here is rather serious.

Pray make what use you please of what I have written, if you deem it useful; and let me subscribe myself, Sir,

Very obediently yours,

M. T. Bass, Esq., M.P. JNO. BELL.

From the "Examiner."

THE GREAT STREET NUISANCE.

Mr. Bass, in the House of Commons, has not at all overstated the nuisance of street music in his speech of Friday last:

"From early morning till late at night the inhabitants of the metropolis were annoyed by incessant discords. Bands were continually playing north, south, east, and west. That very morning he found four all at work together in Eaton Square and its neighbourhood, one in front of the residence of Sir Richard Mayne, and another before that of the Home Secretary. It was a real hindrance to the serious business of life. Men engaged in severe mental occupations, like Mr. Babbage and others, were actually unable during the greater part of the day to continue their studies. Mr. Babbage had told him that one-fourth of his time was consumed by the hindrances occasioned by street bands, and that in the course of a few days he was interrupted 182 times. People were even driven from London by the street bands, which consisted for the most part of a set of foreigners hired by others who make a livelihood out of them. The late Lord Canning told Sir Richard Mayne that on one occasion, when writing a despatch of great importance, a serious error occurred owing to the noise created by a band under his window. He himself that very morning was awoke out of his first sleep by a street band, and during the course of the day he was frequently disturbed when engaged in his correspondence. It might be said that if the bands were not paid they would not exist. His own opinion was that people gave them money, not because they liked the music—nobody could like it—but in order to get rid of them."

To this the representative of the borough most tormented by the nuisance, Lord Fermoy, flippantly replies, that if street music were not enjoyed it would not be provided; that no one has a right to interfere with the innocent tastes of his neighbour: and that the streets must be free for all legitimate occupations. All these remarks are wide of the point. The organs and brass bands get quite as much by displeasing as by pleasing, many people being unwise enough to give hush-money. It is perfectly true that no one has a right to interfere with the innocent tastes of his neighbour, but a taste for quiet is entitled to as much respect, at least, as a taste for discords, and as it is one of the soundest maxims of law to use your own so as not to injure others, our neighbour has no right to indulge his taste for the hurdy-gurdies, or the squeaking and grunting of brass bands, to the interruption of our occupation. His idle pleasure is not to stop our necessary business.

Lord Fermoy truly says, that the streets must be free for all legitimate purposes. The streets are for traffic and communication. The streets are not for orchestras, or stages, and to turn them to such usages is an abuse permitted in no capital in Europe but unhappy London. A fruitwoman is not suffered to place her basket on the footway, but a dozen German vagabonds may form a group, set up their music-stands, and torment a neighbourhood with sounds like those of the pig, to which they are so near akin. Well observes an Old Lawyer in *The Times*:

"Every public road or street belongs to the Sovereign, as embodying the nation, and is accordingly called the King's or Queen's highway. The interest of each individual is limited to a right of passing and repassing over such highway, and he is no more entitled to use it for business or amusement than he is to build upon it or dig for ore beneath its surface. Hence, the keeping of stalls for sale is illegal, and, though often winked at, is sometimes denounced and punished. Hence, the police are justified in desiring you to "move on" if you loiter, in looking at a shop-window or conversing with a friend, so as to bar the progress of passengers. *A fortiori*, a band of musicians has no *locus standi* on the ground.

"There is, in my neighbourhood, a right of way over a gentleman's park. But I have only the privilege of passage, and none of remaining on the path for the purpose of reading, sketching, or playing the violin."

The Under Secretary of the Treasury thought the bands popular, and therefore that it should not be in the power of any churlish or busy person to drive them from the streets. People, then, whose bread depends on their being busy without interruption may starve, in order that servant-maids and pot-boys may enjoy the hideous sounds miscalled music. Midas's ears are to be indulged at any cost. But if noise has a licence, what bounds can be set to it? Marrow-bones and cleavers may claim their right to a hearing, and to a musical ear they are not more offensive than the discords of braying brass instruments. The fallacy of all the defence of the street nuisance lies in the assumption of music. If it were music, we do not want music at all hours of the day, and the thing out of season, and clashing with serious occupations, would be intolerable; but very little of the blowing and grinding is music, and what is bad succeeds in the way of extortion quite as well, perhaps better than what is good in the way of pleasing. There is a notorious gang of German boys, for example, who all play out of tune, and make so detestable a Dutch concert, that people, unwilling to put such

urchins in the hands of the police, give them money to take their nuisance elsewhere.

Mr. Bruce thinks it impossible to amend the law relating to street nuisances, and that the vague condition of "reasonable grounds of objection" is sufficiently good. But this vague law is neither just to the tormented nor to the tormentors, for how are the grinders and blowers ordered away to know whether your grounds of objection to their noises are reasonable or not? How can they tell whether you are entitled to quiet because you are a mathematician at your studies, or an author at his composition, or a merchant at his accounts, or a sick man in bed? And, after all, the construction depends altogether on the humour of the magistrate. It should be enough that the noise is disliked. Oh, but, says Lord Fermoy, the noise of a dray is disliked; but the noise of the dray is incidental, a necessary consequence of the movement of the dray; but the noise of a decayed organ, or of the braying of brass instruments, is made for no object of business or industry.

Not to be behind the Member for Marylebone in the defence of what is adverse to the peace and interest of London housekeepers, Sir John Shelley rejoiced in the determination of Government not to give better protection against street nuisances, and declared, with something that sounds like the bray of one of his favourite instruments, that if Mr. Bass's motion were carried there would be no life, no pleasure, no amusement in the metropolis. Imagine the life, pleasure, and amusement of hurdy-gurdies, cracked organs, and tuneless horns!

From a town enlivened in this choice fashion many people whose occupations or health require quiet are being driven. The fastidious refugees will not be missed, and can be spared, Lord Fermoy and Sir J. Shelley may say; but of the Member for Marylebone and the Member for Westminster it may also be said that they can be spared and will not be missed. And at the next general election they will be called to account by housekeepers, tradesmen, and landlords, for lodgers, customers, and tenants they have respectively lost through the nuisance protected by their representatives.

In curious contrast to the treatment of street music is that of street preaching. The Rev. Mr. Hibbs was taken into custody and brought before Mr. Corrie, at Bow Street, for preaching in Waterloo Place on Sunday. The inhabitants of the neigbouring houses complained that they could not endure the noise made by half-a-dozen preachers, and were obliged to keep their windows closed in the hot weather. They

were not required to show reasonable cause of objection, it was enough that they did not like the noise. So arbitrary an objection could not have been allowed to prevail against the braying of half-a-dozen horns in the hands of as many vigorous German vagabonds. But as preachers, not blowers, were concerned, the magistrate laid down the right principle, that it is illegal to use the streets for any purpose except that for which streets are designed—thoroughfare. And Mr. Corrie added,—

"It must be obvious to the defendant that if he were permitted to preach, the same privilege might be claimed by persons who did not believe in religion at all."

This is quite true; but so, too, if music is permitted to the annoyance of inhabitants, sounds that are not musical, but the very contrary, will assail our ears; and as preaching religion may let in spouting infidelity, so the counterblast to brass bands may be the sow-gelder's horn, or the marrow-bones and cleavers may wind up the concert. The parallel should be exact, but the law is far more indulgent to the grating sounds of bad instruments than to the nasal twang of preachers.

A witness for the defendant brought a terrible charge against the Athenæum Club, which certainly does not sin for want of clergy, it having many bishops and dignified divines among its members, that is to say, archbishops, 3; bishops, 21; deans and other clergy, 156; judges, 25.

"A Mr. Brook, of Skinner Street, proved that he had heard the defendant preach in the open air, and believed that great good had resulted from his addresses. As for the Athenæum Club, it was well that they should close their windows, and their blinds too, to hide their profanity, for they read newspapers on the Sabbath day, and set a frightful example to others."

The example is an excellent protest against Puritanism, and thoroughly in accordance with the Christian observance of the Sabbath, in contradiction to the Pharisaic Judaic.

Had I foreseen the responsibility I incurred in taking up this question, the deep anxiety which is felt for the success of my Bill, I should certainly have

shrunk from the task. On moving for leave to bring in my Bill* this year, on the 3rd of May, I again encountered the opposition of the noble lord the Member for St. Marylebone, who stated that "It was my wish to abolish street music altogether."† The following remarks of the *Examiner* on my Bill will amply repay perusal.

From the "Examiner."

THE STREET NUISANCES.

We have to thank Mr. Bass for bringing in a Bill to protect the public against the noisy nuisances now infesting the streets. The existing law requires reasonable cause for the removal of vagabonds playing on grind-organs, or brass-instruments of torture. But magistrates differ as to reasonable cause, and Justice Midas is of opinion that no one can have reason to complain of the sweet sounds from a decayed hurdygurdy, or the alternations of grunts and squeaks of a brass band. Another magistrate thinks only sickness or mathematics reasonable cause. A third holds the right opinion, that the streets should be kept to their right uses—traffic, and that there is reasonable cause for stopping the conversion of them into orchestras, or we should rather say, places of abominable discord.

What Mr. Bass proposes is to extend protection to serious occupations which will not bear interruption; but, as Sir F. Crossley observed,

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* *Vide* Bill in Appendix.

† House of Commons, 3rd May. Debate on Street Music (Metropolis) Bill.

Mr. Bass having simply moved for leave to bring in a Bill for the better regulation of street music within the Metropolitan Police District, thereupon resumed his seat, but, in deference to a cry of "Explain," the Honourable Member again rose and stated that he

people have a right to something more, and ought to be allowed to live in the houses they pay for in peace and quiet. Because a householder happens not to be a calculating machine, he is not to be tormented with noises from daybreak to midnight. He has a right to as much quiet as consists with the necessary traffic of the streets. There is a time for all things, and the choicest music intruded upon the ear at every hour of the day would be intolerable, much more so the drone of hackneyed tunes by decayed organs, or the grunts and squeaks of a herd of filthy German swine.

Unhappily, nature has provided no defence against this crying evil. We can shut our eyes against disagreeable sights, we can stop our noses against bad smells, but we cannot stop our ears against the assaults of discordant sounds. The sense of hearing is completely at mercy, and no mercy is shown it in this vast, ill-regulated town. In Paris, no street music is suffered on any pretext, and if people choose to have it, it must be in their houses or court-yards. And our own Legislature has admitted the principle that some consideration is due to the ears, in suppressing the dustman's bell; but what

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based the necessity of his measure on one particular ground. A street musician could be sent away on the ground of illness in a family, or any other reasonable cause. The magistrates of the metropolitan district differed, however, as to what was "reasonable cause," and what he desired was to specify what ought to be so considered. He did not propose, while doing this, to interfere with the reasonable recreation of the people.

Mr. Maguire would like to know what class of music the Bill referred to, and whether the Honourable Gentleman proposed to legislate in the spirit of Professor Babbage. He should have preferred a measure to cover the whole question.

Mr. Roebuck said that this was properly a matter of police, and the magistrate ought to have power to determine what was a nuisance and what was not. The police ought to be armed with the power of protecting society in this matter; and he would put it to the Home Secretary whether that was not the rational mode of meeting the difficulty. A lady or gentleman might be very ill, and a man would come there with a loud organ, knowing that his music would be bought off, and intending to come back. If the Legislature would give the police magistrate the power to regulate the street music by means of the police, they would do much for the quiet and comfort of the metropolis.

Sir G. Grey said the police might be called upon to remove

was the annoyance of that bell to the detestable noises that have succeeded it? and the bell was not ringing everywhere from sunrise to midnight.

The street nuisance is defended in Parliament by two lineal descendants of Midas, Sir John Shelley and Lord Fermoy; and on Mr. Bass's motion the latter brayed a bray that the attempt was to suppress street music, and to interfere with the recreation of the people.

The people, in the common sense of the word, have no interest in the matter. The brass bands and organs, the Savoyard and German vagabonds, are not to be found in the alleys and courts, but in the squares and handsome streets. The German gangs are not paid in pence, but in silver and gold. If your wife or daughter is on a sick bed, or your mother dying, you cannot buy her quiet at a less price than half a sovereign. The organs are more moderate in their extortions, in proportion as their power of annoyance is less, but you must pay both, and all day long.

There is a gang of German boys that has carried extortion to great perfection by having instruments excruciatingly out of tune

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musicians not only in the case of illness, but from any other reasonable cause. It was well known that Mr. Babbage alleged, and the magistrates agreed with him, that he was engaged in pursuits which street music was calculated seriously to disturb. The police magistrates, however, sometimes dismissed charges of that kind if they did not consider them reasonable. He was anxious to see the Bill, that he might know how the Honourable Gentleman defined what was "a reasonable cause."

Sir J. Shelley thought it was the duty of the Government to consider the subject well; and if they were of opinion that street music was a nuisance, then the Home Secretary ought to take the matter in hand.

Lord Fermoy said the Honourable Member wished to abolish street music altogether. As the law stood at present, there was quite sufficient power in the hands of the police.

Mr. Ayrton hoped the Honourable Gentleman would give an intelligent explanation of the object of the Bill. He wanted to know what the Honourable Member understood by a "reasonable cause."

Sir F. Crossley said the object of his honourable friend was this, that where street music was not wanted, and the musicians refused to go away, they might be handed over to the police. It had come within his own knowledge that where persons were on their death-

Their activity is as great as their discord is intolerable, and they make themselves heard, detested, and dreaded in every part of the town. Yet there are people who mistake even this performance for music, and who reward and encourage it, so that the trade is doubly profitable, chiefly by extortion, partly by ministering to vulgar, vicious taste. A musician, noticing that the band by which he was tormented always played its false notes in the same places, called the leader into his house the other day, gave him wine, complimented him on the good playing of his band (whereat he looked uneasy), and added, I have especially admired the skill and regularity with which you introduce your discords. "Ah," said the street bandmaster, with a knowing look, "zat is our business. It is by zat we live."

A Persian Ambassador on his first visit to the Opera was in raptures with the band when tuning the instruments, but when they commenced the overture to *Figaro*, he said: "This is poor stuff indeed, but what they commenced with was celestial music."

There are folks with this sort of taste, and who really like discords when they pierce their dull ears with a sharp shriek.

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beds, and the musicians were desired to go away, they refused, and the police, when called upon, said they had no power to interfere. When people paid for their houses they ought to be allowed to live in them in peace and quietness.

Mr. Bass said he had forborne to go at length into the subject, because on a former occasion he had explained his views to the House, and it was unusual for Honourable Gentlemen when introducing a Bill upon well-known matters, to take up the time of Honourable Members. In the Metropolitan Police Act, "reasonable cause" was understood in different senses; and he had been informed that the magistrates themselves desired that what was meant by the words should be more strictly defined. He was also given to understand that the Commissioners of Police were in favour of some such measure as he sought to introduce; and the police felt themselves placed in this difficulty—that they could not arrest the musicians when they refused to go away, but could only summon them. What he aimed at was to give the police power to arrest musicians who, upon receiving notice, refused to go away, and he held this to be "reasonable cause," that any person should be engaged in some serious occupaton which required to be carried on without interruption.

Leave given.

Some of the Germans, it must be admitted, play well, but the greater number are mere horn-blowers, or else they know that it matters not for profit whether they play well or ill, for that certain ears are as well pleased with bad as with good music, and that others are to be tortured into buying off their tormentors.

It is curious to observe the parts of the town of which complete possession is taken by the nuisance-mongers. Aristocratic Dover Street is devoted to them—organs, brass bands, disgusting fellows with blacked faces grimacing and bawling negro melodies, are to be found in that unhappy street at all hours of the day. We have a suspicion that there is something more than extortion in this disgraceful phenomenon, and that Fermoys and Shelleys abound in that locality, and do not care to disguise the long ears that have come down to them, and attest the ancient quarrel with Apollo.

I must now give some of the letters I have received on the subject of my Bill, containing suggestions and amendments. Some fear that nothing short of prohibition of all street music will afford relief; others advocate the restriction of street music to certain districts and within certain hours.

16B, OLD CAVENDISH STREET,
May 9, 1864.

MY DEAR BROTHER,

IN reference to the great London nuisance, I think the accompanying clause would meet the chief part of the evil. It would not, indeed, abolish it entirely; but it would get rid of all that portion which, both in quality and quantity, is most unbearable: while it would have untouched all for which any sort of apology can be offered.

A "skilled musician" *may* furnish tolerable music, while it is easy to show, from acoustic principles, that an ordinary *musical machine cannot*—though it possesses a forty-trumpet power of torturing annoyance.

Something may be said for the "performer" who has devoted time and trouble to acquire his art, whether it be a "distressed cotton-

spinner" or only a "nigger minstreal;" not so for the player of a *musical machine*, who, besides being without any special qualification, is nearly always a vagabond foreigner, without claim on town or parish in this country. He lives and prospers exactly as the professional mendicant formerly did; partly by extortion, partly by misplaced charity; partly by donations from people whose opinions should have little weight—the children of visitors from the country—the least educated of domestic servants, and the women of the town. It is a gross mistake to suppose that the working classes generally patronize him; as any one may be assured who will take the necessary trouble in observation. The suppression of this worst portion of the nuisance would be an immense boon to thousands, while scarcely a respectable person would be found to complain.

Whether it would be good policy, at the present moment, to propose so sweeping a change is a question I must leave to better judges; but the excellent regulations proposed by Mr. Bass would still be required, and are, as I know from personal experience, most urgently demanded. It may be, however, that some who would hesitate to increase the authority of the police, or to give something like an arbitrary power to individuals, would accept the regulation I propose as a reasonable compromise between the apologists of street music, and those who desire its entire suppression.

Yours truly,

M. T. Bass, Esq., M.P. G. Smith.

P.S.—My landlord will write to Lord Fermoy on the subject, and can get his neighbours to join him. He is quite satisfied that the majority of the tradespeople will thank Mr. Bass as heartily as any of us. *You* are now one of Sir John Shelley's constituents, and should attack him and get others to do so. These gentlemen must not be allowed to say that their supporters are indifferent to the question.

"Be it enacted, That every person shall be liable to a penalty of not more than forty shillings, who, within the limits of the Metropolitan Police District, shall, in any thoroughfare or public place, sound or play any barrel-organ, hand-organ, hand-piano, or any other musical instrument which is or may be played by mechanical means not requiring the management or manipulation of a skilled musician."

(The usual clauses as to committal or forfeiture of instrument in default to apply.)

This would need to be put into proper phraseology. What is proper phraseology would depend on the frame of the rest of the Bill.

30, Bedford Place, Russell Square,
May 4, 1864.

Sir,

Permit me respectfully to suggest to you that some advantage may arise from the introduction into your Bill on "street music" of a clause, limiting the hours of performance—say from 10 a.m. till 6, 7, or 8 p.m., according to the season. It is possible, such limitation may render the trade less profitable, and thus diminish the nuisance—a result few would regret.

I remain, Sir,
Yours very obediently,
Henry Cutler.

M. T. Bass, Esq., M.P.

30, Chancery Lane, W.C.
May 30.

Sir,

Your Bill against the street music gives a remedy to "householders" only, whereas I am merely the occupier of a set of chambers here, and of apartments at the West End, for which I pay a heavy rent to my landlord (the "householder"), who, living in the country, cannot help me. He pays all taxes, &c. I have therefore no remedy, either under the Police Act, or your Bill now before the House.

Allow me to suggest the addition of a clause that the term "householder" shall, for the purpose of such Act, include occupiers and tenants of chambers and lodgings, who pay rent only in respect of them.

Suffering as I do, in the exercise of my profession as a chamber counsel, from the street organs, I feel very grateful to you for taking up the matter at all, and, in common with ninety-nine out of every hundred people in London, most heartily wish you success.

Yours very obediently,
T. L'Estrange Ewen.

M. T. Bass, Esq., M.P.

21, Upper Southwick Street, Hyde Park,
8th June, 1864.

Sir,

I have not had an opportunity of looking at your Bill for extenuating the misery produced by the street music. If it does not contain a provision for preventing these noises altogether early in the morning and late at night, I would suggest a clause that it should be a misdemeanour to play before ten in the morning or after ten at night; and that any one so offending may at once be given into custody. This neighbourhood is often disturbed as early as eight a.m., to the utter prevention of family prayers; and I am often woke out of my first sleep after ten by some organ-grinders or other musical itinerant. I will say that the police, upon being spoken to, have done all they can to stop the nuisance late at night, but they cannot be in every street at the same time.

I have the honour to be, Sir,
Your most obedient Servant,

M. T. Bass, Esq., M.P. James A. Murray.

7, King's Road, Bedford Row, W.C.,
June 8, 1864.

Sir,

I take the liberty of suggesting that all street musicians should be required to carry a licence and a conspicuous number, similar to that worn by omnibus conductors. The public would then identify men refusing to move on when requested; and in case of frequent complaints the licence might be revoked.

I have the honour to be, Sir,
Your's very obediently,

M. T. Bass, Esq., M.P. J. H. Stallard, M.B., &c.

4, Stone Buildings, Lincoln's Inn,
7th June, 1864.

Sir,

Allow me to suggest the insertion in your Bill in relation to street music of a provision to the effect—

That where a majority of the householders in any particular street or locality shall, by a requisition in writing made to the District

Board of Works, express their desire that such street or locality shall be altogether freed from annoyance by itinerant musicians, then such Board shall cause notices, in English, French, German, and Italian, to be set up in such street or locality, forbidding musicians to play therein; and it shall be the duty of the police, without any complaint or movement on the part of any householder, to prevent musicians from playing in all streets and localities in which such notices shall be set up. Persons wilfully defacing such notices to be liable to fine or imprisonment.

Begging to thank you for your endeavour to abate, what is to me, a most intolerable nuisance,

I am, Sir, yours obediently,

M. T. Bass, Esq., M.P. E. Chester Jones.

Kennington Cross,
17th May, 1864.

Sir,

Should you succeed with your Street Music Bill, you will earn the thanks of a large body of great sufferers.

I fear, however, the only effectual remedy is a compulsory registration of all street musicians, so that they may be summoned by their tickets—a clause to effect this could raise little objection, and would be most serviceable.

With regard to the clause you propose, permit me to observe that it leaves still open three loop-holes:—

1. If an organ-grinder gets within a forecourt, he laughs at you. He is not playing "in any thoroughfare." A good house in my neighbourhood stood absolutely deserted for years, the owner having been driven away through an ill-natured neighbour availing himself of this defect.

2. I apprehend the police would still require to have heard the nuisance.

3. Some get off on the plea that the sufferer was not a householder. I cannot see why lodgers' nerves are not equally to be protected.

I beg to submit to you a copy of your Bill sent herewith, with proposed amendments, to meet these three objections.

I am your obedient servant,

Samuel Shaen.

I am an old friend of Mr. T. Carter.

M. T. Bass, Esq., M.P.

3, Park Row, Knightsbridge,
19*th May*, 1864.

Sir,

By the introduction of your Bill for the suppression of street music, you are entitled to the thanks of all persons of common sense and right feeling; but I beg leave to point out an omission, quoted at length on the accompanying sheet, which I take the liberty of commending to your attention.

I am, Sir, your obedient servant,
A. Jerome.

M. T. Bass, Esq., M.P.

21, Haymarket,
25*th June*, 1864.

Sir,

Being much interested in the success of the Bill you have in hand to amend a useless inconsequent Act passed nearly a quarter of a century since, relative to so-called street music, will you permit me to offer a suggestion which, if embodied in a clause, and carried out, would, I think, be likely to assist its object in relieving the public from what has now become a most intolerable nuisance, viz., "That no street musicians whatsoever shall be allowed to remain stationary in the street whilst playing on any instrument or singing, but be compelled to keep moving while so doing"—subject to penalty otherwise. In this unfortunate street we are more subjected to this annoyance than elsewhere, in consequence of the number of liquor and refreshment houses, all, more or less, of bad repute, between whom and these disturbers there appears to be some connection, as two or three batches of them sometimes remain for hours before the doors of such houses, entirely destroying the comfort of the better inhabitants. I would also suggest that no music shall be permitted after a fixed hour at night, say twelve o'clock, or eleven, or ten. The bands of the Volunteers marching through our streets even at slow time are not annoying, being soon past, whilst they certainly play at least as well as the *écorcheurs* who afflict us. I hope it cannot be alleged that this proposal would, if carried, be an attack upon an industrious class of persons; the fact being that they become, as now permitted, merely incentives to vices, which Sir George Grey seems desirous to

reform by his proposed measure. I beg to apologise for intruding so long a letter upon your time.

I am your most obedient servant,

GEORGE DOUBLEDAY.

M. T. Bass, Esq., M.P.

P.S.—I beg leave to enclose a card of the firm to which I belong, as my own name is not so well known.

The Times leader of May 19, 1864, and that of the *City Press*, of June, 1864, take so just a view of this question that I must give them in full:—

The "cries of London" were once a disagreeable peculiarity of City life. Every branch of the petty commerce of the streets had its own shout or howl, and the pursuit of customers appeared to have developed itself into a competition of noises, each one more hideous than the other. When the confusion became unendurable, a little reflection on the matter discovered that the perpetual riot was not necessary even for the hawkers themselves. Finally, though not without opposition from the sentimental conservatism that dwelt in regions never invaded by the discord, the nuisance was suppressed, and the old London cries are things of tradition. Yet no one would now contend that these trades have suffered any real injury by the prohibition of the noisy manner in which they were formerly carried on. The distribution of fruit, fish, and vegetables to those who cannot market regularly for themselves, and do not open an account with the established shop, is more extensive than ever. The costermongers' carts have increased in number, and the dealers have so improved the quality of their wares that they can seek and find customers in the very centre of wealth, round the Bank and the Exchange, and we hear complaints of the extent to which they obstruct the most crowded thoroughfares by the space they occupy. But if the new race of hawkers somewhat impede the traffic of the City, they do not deafen its inhabitants with the cries that were thought indispensable by the preceding generation of the class. The law has also silenced other noises that were thought essential to certain kinds of business. The newsman finds he can exist

without blowing a horn continually, and the bells of the muffin-seller, the dust-collector, and the postman are abolished. Yet muffins are still to be obtained, whole mountains of dust are duly removed, and millions of letters are delivered as noiselessly as if the process were one of the grand operations of nature. London has to do five-fold the work of thirty years ago, and contrives to get through it without the old needless uproar.

But what has been gained in one direction by a little wholesome legislation has been lost in another. We are not persecuted in the name of industry, but are almost helpless victims to severe annoyance inflicted in the name of art. There are whole districts of the metropolis in which the inhabitants have to purchase peace and quietness by a kind of black-mail levied by tribes of street musicians as the price of silence. If the householders do not pay for exemption, they must endure a torment that robs thousands of time, temper, health, and the value of perpetually interrupted work. The nuisance has not the excuse of being useful to any class of the population, which the street traders of former times could plead. And the mode in which payment is extorted completely reverses the practice of honest callings. The object is not to give a certain amount of pleasure, leaving the price of the performance to be measured by the gratification of the hearer. With a well-calculated malignity, a depressing and pertinacious discord is created, the cessation of which must be purchased with a fee. Nor without that fee can the tormentor be silenced. Some of these performers have actually established a tariff, and refuse to "move on" till their own terms are given. This is neither more nor less than a form of that "sturdy mendicancy" with which the law deals in the most summary manner. It differs in nothing from the practice of the Chinese mendicants, who clatter strips of bamboo at the door of a shop-keeper till they are got rid of by an alms. If not paid they will create their disturbing din for any length of time, just as the London organ-grinder will play his collection of discords three times over, to wear out his victims' patience. It becomes a battle of endurance on both sides, with this advantage on the part of the grinder—that his infliction becomes less endurable every moment. But, while we have the Chinese principle of extortion established among us, we have not their remedy for the evil. The bamboo-player is bound by custom to cease on receipt of the smallest piece of money current. His Italian counterpart, in London, has been known to refuse a shilling, as not sufficient to buy him off. When the life or death of

one of a family depended on undisturbed repose, we have little doubt the organman might demand what he pleased.

The pretext of offering "music," however, has hitherto obtained an immunity for this modern form of robbery. The omissions and defects of the law appear to have reflected some confusion in the minds of our legislators, many of whom do not yet believe that the "harmless art" is converted into a means of extortion. Full advantage has been taken of the defective provisions of the Metropolitan Police Act, which practically affords no means of checking the abuse. A pickpocket, if only suspected, can be arrested and committed to gaol. The beggar who frightens the nervous passengers with threats and curses till he obtains money can be handed over to the police. But the ruffian who plants himself at your door, and grinds you into desperation, defies both law and justice. He cannot be given into custody. He must be proceeded against by summons. But his name and abode are alike undiscoverable, and if by a rare chance they are ascertained, it is useless. His *padrone* sends him on a country circuit, and the prosecutor is wearied into letting the case drop. Even if it is brought before a police magistrate, that functionary is often too full of doubts and scruples to convict. There is a difficulty as to the "reasonable cause" of complaint which the law requires to be proved. The difficulty of obtaining either redress or protection is fully known only to those who have tried the experiment. Frequent appeals to the law have given the name of Mr. Babbage almost as much publicity as his scientific labours. He has recorded his disagreeable experiences in a pamphlet, which may help to decide some uncertain opinions before Mr. Bass's Bill comes under discussion. The sufferings narrated by Mr. Babbage may have been more intense than those of the average of men. That is a personal question; but the manner in which his tormentors escape through the loopholes of the law, plainly shows how they might be stopped. There is no necessity to prohibit all street music; but if it claims toleration on the plea of giving pleasure to the hearers, the performers ought not to be allowed to force it on them, and compel a purchase of silence. The fallacy that protects the abuse would be detected in a moment if any other art were employed in the same way. If another set of speculators persisted in holding up some hideous and repulsive daub before your window, and refused to remove it till paid to go away, they could scarcely be defended on the ground that they were disseminating a taste for painting. A similar exhibition of some carving, as distorted as an African idol, to

compel a gift by creating disgust, would not be protected by asserting the image to be sculpture. Exactly what these things would be to real art, organ-grinding is to music. The "reasonable cause" of objecting to the abuse is easily found and defined. It should simply be the dislike of the hearer to any such infliction. Why he dislikes it he should not be required to explain. Even good music, forced on the ears at all hours, becomes an unmitigated nuisance; and what is purposely made atrocious that it may be more annoying deserves no forbearance. The notice to "move on" should be enough to obtain relief, and cases of pertinacious refusal should be dealt with as insolent mendicancy in spite of its disguise. The evil has grown to a height that requires some check. A few plain amendments of the Police Act would suffice for the purpose. A more summary mode of dealing with this class of extortioners seems to be all that is wanted. The cultivation of music would no more suffer from a little more control over the organ-grinding annoyance than the trade of London from the prohibition of the monster advertising vans.

"City Press," 4th June, 1864.

STREET MUSIC.

The case of the Rev. Mr. Rodwell appearing before a magistrate to seek the means of abating a nuisance of which the law takes no cognizance, exemplifies the conditions under which all who are engaged in thoughtful occupations must pursue their callings, whenever there is a chance of an organ-grinder or a German band obtaining a dole from some fanatic. Mr. Rodwell is engaged in making translations from Oriental languages, and a neighbour of his, who probably does not know there are Oriental languages, or students and translators of them, indulges in the luxury of having an organ-grinder within the garden-gate, and the hideous howlings of the instrument put a stop to Mr. Rodwell's work, and made him wretched in his compulsory idleness. There are thousands of persons in this metropolis who obtain their livelihood by occupations that render quiet indispensable; there are not only translators, and writers, and calculators, but artists, inventors, teachers, and others, who have to make a daily sacrifice of time, temper, and money, in order that some lover of discords hard by may indulge in an uproar of bugles played

out of tune, or of bagpipes, hurdy-gurdies, organs, drums, and other instruments of torture. How many of the sick and dying are daily harried by such abominations, it would be painful even to conjecture; for though the law does forbid street music under certain conditions yet the conditions are such that the whole army of peripatetic screechers and growlers enjoy an almost perfect immunity from interference, whether for the rest of the sick, or the studies of the philosopher. That the law needs amendment, is made evident by daily experiences. The difficulties of instituting a prosecution have been so many, that the street musicians have been encouraged, not to play well, but to play ill, not to amuse, but to annoy, as the most profitable practice; and so people who really love quiet and need quiet, have fallen into the wicked habit of envying the deaf, and sometimes of questioning if the sense of hearing is really to be counted among the number of our blessings. Take a turn anywhere in the suburbs, and you shall soon see by what process a group of filthy Germans—as filthy in speech as in looks—levy black-mail upon quiet-loving householders. They first break out altogether with blasts loud enough to wake the dead, and blow some air to pieces by every possible violation of time and tune. Having compelled you to close all the windows, and even then wish yourself at Jericho—where blowers of trumpets were once upon a time scarcely more dreadful in their visitations—they refuse you the small comfort of getting used to one kind of sounds by resorting to another. The instruments are thrust under their arms, and they begin to sing—pardon the word, we mean howl; yes, they howl like so many apes and baboons escaped from the Zoological Gardens, and looking much like those creatures too, until the sticking-point arrives, and then they are once more truly human; that is to say, more obnoxious than even apes and monkeys. A sandy gentleman carrying a horn as big as himself, which is not intended for musical purposes, but as an instrument for picking pockets, has the audacity to sound at your door a bold rat-tat. Perhaps, as the servants are then extra busy, you open the door yourself, expecting, in your misery, the arrival of some lively friend. This is the sticking-point; it is a question of relative courage with both parties, and if you have courage and good sense, you drive the scoundrel away without a fee, but he never fails to have the courage to abuse you for your meanness. The law allows all this; the law protects the glorious institution. If you object to street music, you must find out the name and addresses of the parties offending you, and then take your chance of magisterial justice, which is often thwarted by the wording of the Act, or by the ingenious

sons as to the scope and object of my Bill. It was, however, carried without a division, the motion for adjournment, intended to defeat it, having been rejected by a large majority (of 56 to 19).* It,

* House of Commons, 9th June, 1864. Debate on Street Music (Metropolis) Bill.

Mr. Bass moved the second reading of this Bill.

Mr. Hankey thought the measure required grave consideration before it was sanctioned by the House, interfering as it did with a large class. ("Oh, oh," and a laugh.) Street music might annoy some persons, but it certainly amused many more, and it was to be regretted that the extreme sensibilities of a few individuals should have led them to enter upon a crusade against it. If a Bill like that had been proposed for the city of Dublin or Glasgow, it would not have been entertained for a moment. It was said that street musicians were supported only by people who paid them to go away ("Hear," and a laugh), but he utterly denied that. They were supported on the ordinary principle of supply and demand. (A laugh.) Why should they seek to interfere with the amusements of the poor? They might as well attempt to put down smoking, which gave enjoyment to those who indulged in it, but annoyed others who did not. They ought to have a clear proof of the evils resulting from the practice against which the Bill was aimed, and also clear proof that that was the proper mode of remedying those evils; and at present the House possessed neither. That was, after all, a paltry kind of legislation; and if they were to legislate against every petty annoyance which some individuals suffered, they would involve themselves in interminable difficulties. Many people complained of the nuisance caused by children practising at the pianoforte next door to them. Was that to be put down by Act of Parliament also? It was a great annoyance to a house in which there was somebody lying sick that their neighbours should give an evening party. Why should that not be checked by legislation as well as organ-playing? The bands played in the parks to the great amusement of a large concourse of persons; but that Bill would enable any one of the neighbouring housekeepers to deprive the public of that source of enjoyment. He regretted that the bands of the regiments quartered in London did not play much oftener for the gratification of the people. ("Question.") In his

I think, strongly indicates the interest which is taken in the measure, that as many as 75 Members were found at their post at 2 o'clock in the morning. I

Budget speech the Chancellor of the Exchequer cited it as a sign of the extraordinary poverty of large districts of the metropolis that there were whole streets in them in which the notes of the organ-boy were never heard. ("Hear," and a laugh.) The right honourable gentleman meant by that, that the inhabitants were so poor that they were deprived of an innocent gratification. If street music required any kind of regulation, it ought to be purely one of police, and not by special Act of Parliament like that now proposed. The honourable gentleman concluded by moving that the Bill should be read a second time that day six months.

Mr. Lawson said the honourable member for Derby had a coadjutor out-of-doors who had written a pamphlet on the subject of street music, and who maintained that the whole body of organ-grinders was supported by the licensed victuallers and the proprietors of public-houses. (A laugh.)

Mr. Ayrton advised that the Bill should be read a second time now, and that the discussion should be taken in committee at a more convenient hour.

Sir G. Grey had told the honourable member for Derby that he would not oppose the second reading, but that it would be necessary to amend the Bill in committee.

Mr. Butt thought it was absurd to suggest that the discussion should be taken in committee. The Bill consisted of only one clause, and consequently the whole question was now at issue. (Cries of "Oh!") If anything could induce him to advocate the suppression of street music, it would be the cries of "Oh!" from some honourable gentlemen, for sounds more resembling those of a barrel-organ out of tune he had never heard; but he should be sorry to put a stop even to the discordant exclamations of the opponents of the Bill by so arbitrary a measure as the present.

Mr. Adderley said the principle of the Bill was embodied in the existing law, and it was high time that the inhabitants of London should be protected against what might be called a German crusade.

The Chancellor of the Exchequer took issue with the last speaker, and contended that while the principle of the existing law

have great hopes that my *Bill will become Law.* It might be made more efficacious, as it still, no doubt, leaves opportunities for annoyance by street musi-

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was reasonable, the principle of the Bill was most unreasonable. The principle of the existing law was, that for reasonable cause any street musician might be stopped and sent away; but the honourable member for Derby wished to substitute for a reasonable cause the purely arbitrary veto of a single individual. He believed that if the Bill passed in its present shape, it would authorize him to require a policeman to disperse the band which now played every evening within fifty yards of his windows, and the performances of which were attended by from 2000 to 3000 persons. The Bill, in short, was an unwarrantable interference with the amusements of the people, and there was nothing unreasonable in the demand that it should be discussed at an earlier hour.

Mr. Butt moved the adjournment of the debate.

Mr. Hunt supposed that the Chancellor of the Exchequer opposed the Bill as a friend of the Italian cause, forgetting that Savoy had recently been annexed to France, and that barrel-organs were not included in the French treaty. For his own part, he objected to all discordant sounds, even though they might come from the Treasury bench, and his ear had been offended by hearing the Home Secretary say he was in favour of the second reading, and the Chancellor of the Exchequer that he was decidedly opposed to it. He had no wish to interfere with the amusements of the people; and if there were a class fond of street music, in the name of Heaven let them have it; but he maintained that if the inhabitants of any particular street did not want to be driven crazy by a barrel-organ, they should be permitted to send it away. As to the case of the band playing near the Chancellor of the Exchequer's house, that scarcely came within the ordinary definition of street music. At any rate, if all street musicians performed as well, he would never wish to send them away.

Mr. Bass would not now enter on the principle of the Bill, as he had already given an assurance that a full opportunity of debating it would be allowed on the motion to go into committee. To show the necessity for legislation on this subject, he would mention an incident in which he himself was concerned. One day this week a band

cians; but it will in some degree, I think, give protection to London residents from this intolerable nuisance; at any rate, I have done my best for my

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disturbed him by playing before his door at half-past eight in the morning, another followed at half-past nine, and a third an hour later. His patience broke down under the last infliction, and he told his servant to ask the band to withdraw. The latter, however, declined, and when the policeman was asked to interfere, he replied that his instructions were to do nothing unless the servant could say that his master was dangerously ill or dead. (Laughter.) He was so astonished at this statement that he made his man write it down on paper, and return with it to the constable for confirmation. He even went to the policeman himself, and ascertained that he had given the answer attributed to him. He had also an interview with Sir R. Mayne on the subject, who said that the constable had somewhat exaggerated his instructions; but he believed that the man had done so to a very slight extent. Sir Richard assured him that it was impossible to put in force the present law in regard to street music. He hoped the House would read the Bill a second time.

Mr. COLLINS hoped the debate on this tyrannical Bill would be adjourned.

Sir R. PEEL trusted that the House would agree to the second reading of this Bill for putting down the abominable nuisance of street organs. He happened to live next door to a religious club, and regularly every Saturday morning an Italian came and played the 100th Psalm on a hand-organ. He asked the fellow whether he could not play some other Psalm tune; but he said he had not another in his *répertoire*. The evil was not felt in poor neighbourhoods so much as in the large streets and squares. Reference had been made to Ireland, but he believed the organ-grinders never went there. Certainly they would never dream of going to Youghal, where they could have no chance of levying black-mail.

The House then divided, the numbers being:—

For the adjournment	19
Against it	56
Majority	—37

The Bill was then read a second time amid considerable cheering.

clients. I have worked zealously and anxiously, but I do most unfeignedly regret that the charge of this Bill should not have been undertaken by some Member of the House more competent to do it justice and to insure its success.

APPENDIX.

APPENDIX.

4, The Terrace, Kensington, W.,
May 30, 1864.

Dear Sir,

I send you herewith the result of a canvass I have very recently made against street organs, and other noises called music. I have been to every house within a stone's throw of this in all directions, and you will see nearly 100 names of persons who object in this very circumscribed space. If other members of the community would do the same in their specific districts, I have no doubt you would have an immense majority against this very abominable nuisance.

Heartily wishing success to your parliamentary efforts in this cause,

I remain, dear Sir,
Yours truly,
William Banting.

M. T. Bass, Esq., M.P.

I have written to Lord Fermoy, and told him I had forwarded the list to you.

"We, the undersigned, in the locality of The Terrace, Kensington, being greatly annoyed by street organs, early and late, desire to testify our wish for the abatement of such a nuisance."

Here follow the signatures, nearly 100, which it was my intention to have had printed, with the addresses, but it would have occupied too much space.

To the Honourable the Knights and Burgesses of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned residents in the Metropolitan District, sheweth—That your Petitioners suffer the greatest annoyance from street musicians at all hours, disturbing them while exercising their professions, business, or callings, and that they find no protection from the police, who generally state that they cannot interfere or remove such persons. Your Petitioners have seen with great satisfaction that a Bill is now before your Honourable House for the better regulation of street music; and though it may not prevent altogether these annoyances, they hope it will diminish them, and therefore pray your Honourable House to pass such Bill; and your Petitioners, in duty bound, will ever pray.

This petition bears one hundred signatures of barristers, conveyancers, solicitors, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned residents in the Metropolitan District sheweth—That your Petitioners suffer great annoyance from the various noises made by street musicians, at all hours of the day, from early in the morning till late at night, particularly from the Italian organ-grinders, a very numerous class, who infest the metropolis. The existing law is practically inoperative, and your Petitioners are wholly unable to get rid of the nuisance caused by organ-grinders and other street musicians playing before their houses. Your Petitioners are glad to find a Bill has been introduced into your Honourable House for the better regulation of street music, and trust your Honourable House will pass such Bill; and your Petitioners, as in duty bound, humbly pray.

This petition bears the signatures of about one hundred and thirty householders at the west end of London.

STREET MUSIC (METROPOLIS).

A Bill for the better Regulation of Street Music within the Metropolitan Police District.

Preamble. 2 & 3 Vict. c. 47. s. 57.

WHEREAS by Section Fifty-seven of the Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act for "further improving the Police in and near the Metropolis," it was enacted, that any Householder within the Metropolitan Police District might require any Street Musician to depart from the Neighbourhood of the House of any such Householder, on account of the Illness of any Inmate of such House, or for other reasonable Cause: And whereas the said Provision has been found insufficient for the Protection of such Householders from Annoyance by Street Musicians: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows;

Repeal of recited Provision, and Substitution of amended Provision.

1. Section Fifty-seven of the said Act is hereby repealed, and in lieu thereof the following Provision shall take effect as Part of the said Act; namely, any Householder within the Metropolitan Police District, personally, or by his Servant, or by any Police Constable, may require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder, and every Person who shall sound or play upon any Musical Instrument or shall sing in any Thoroughfare near any such House after being so required to depart shall be liable to a Penalty not more than *Forty Shillings;* and it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody without Warrant any Person who shall offend as aforesaid.

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